SURVEY SUMMARY: PRETRIAL RISK ASSESSMENTS

From April 2017-January 2020, Movement Alliance Project conducted research on the implementation of pretrial risk assessment tools across the country. With a combination of volunteers, staff, and fellows from our grassroots community-based organization and our vibrant organizing community, we were able to interview 38 jurisdictions about their use of pretrial risk assessment tools. We also attempted to correspond via email with over 530 jurisdictions, with a 47% response rate, and received partial interview answers from 18 jurisdictions.

This survey summary describes how these jurisdictions answered our 27 interview questions concerning what their tools look like, how tools are used pretrial, if and how tools are validated, and the impact on their jail populations. This document is a summary of all our interviews and gives either a descriptive summary, a comprehensive chart, or a few highlighted examples of the answers to each question. For access to one of our full interviews or more details about a specific interview, please contact us at pretrialrisk.com/contact-us

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Comprehensive list of all interviewed jurisdictions:

Jurisdiction Interviewed	Date	Pretrial Risk Assessment	Interviewee Title
Ada County, Idaho	7/15/2019	VPRAI (transitioning to VPRAI-R)	Pretrial Services Supervisor, Court Services Bureau
Alachua County, Florida	7/2/2019	FPRAI	FPRAI Accreditation Manager
Anne Arundel County, Maryland	8/13/2019	Pretrial Release Recommendation Scheme and Pretrial Release Supervision Level Assessment Scale	Criminal Justice Program Supervisor, Intake Services Division
Armstrong County, Pennsylvania	7/24/2019	ORAS-PAT	Adult Probation Officer
Buncombe County, North Carolina	4/4/2017	VPRAI	Pretrial Release Manager
Calvert County, Maryland	7/31/2019	Pretrial Release Program	Chief of Administrative Services, Calvert County Detention Center
Cass County, Minnesota	7/18/2019	Cass County Tool	Director of Probation
Connecticut	8/30/2017	Connecticut Tool	Adult Probation & Bail Services
Contra Costa County, California	7/13/2017	VPRAI	County Probation Officer
Dekalb County, Illinois	9/15/2017	VPRAI-R	Supervisor of Court Services
Douglas County, Kansas	7/18/2019	Douglas Risk Assessment	Pretrial Services Director and Adult Services Supervisor
Eau Claire County, Wisconsin	4/3/2017	PSA	Criminal Justice Manager
Hamilton County, Ohio	5/30/2017	ORAS-PAT	Director, Pretrial Services
Harris County, Texas	4/18/2017	Harris County Risk Assessment Tool	Supervisor, Pretrial Services
Hennepin County, Minnesota	11/3/2017	Pretrial Scale/Bail Evaluation Score	Adult Probation Eval Unit
Johnson County, Kansas	7/9/2019	Johnson Pretrial Risk Assessment	Associate Dean; tool developer
Knox County, Tennessee	8/27/2019	Knox County tool	Pretrial Release director
Lee County, Florida	4/4/2017	Lee County Pretrial Risk Assessment Tool	Deputy Criminal Division Director
Los Angeles County, California	4/7/2017	Modified COMPAS	Senior Investigator, LA County Probation
Madera County, California	6/28/2019	VPRAI	Senior Deputy Probation Officer
Maine	5/23/2019	VPRAI	Deputy Director, Maine Pretrial Services, Inc

Jurisdiction Interviewed	Date	Pretrial Risk Assessment	Interviewee Title
Mesa County, Colorado	5/1/2017	CPAT	Criminal Justice Services Manager
Michigan Supreme Court (5 districts)	5/16/2019	PSA (pilot program)	Management Analyst, Michigan Supreme Court, Trial Court Services
Napa County, California	7/11/2017	ORAS-PAT	Chief Probation Officer and Assistant Chief Probation Officer
Nashville, Tennessee	7/18/2019	Davidson County tool	Pretrial Program Director
New Jersey	3/22/2017	PSA	Chief Deputy of Pretrial Services for state of New Jersey
New Orleans, Louisiana	5/1/2017	PSA	Policy Advisor on Criminal Justice at New Orleans' Mayors' Office
Oakland County, Michigan	5/20/2019	Michigan PRAXIS	Manager for Oakland County Community Corrections
Prince George County, Maryland	7/24/2019	Prince George County Risk Assessment	Deputy Director, Bureau of Operations
Richland County, Ohio	7/27/2017	Richland County Probation and Entrance Tool	Chief Probation Officer
Saline County, Kansas	7/16/2019	Saline Pretrial Risk Assessment	Pretrial Program Coordinator
San Antonio, Texas	5/15/2017	Bexar County Pretrial Risk Assessment	The Office of Criminal Justice Deputy Director / Pretrial Operations Chief
Santa Clara County, California	9/15/2017	Santa Clara Risk Assessment Tool	Director of Pretrial Services
Shasta County, California	11/13/2018	VPRAI	Shasta County Probation
Utah	4/3/2017	PSA	Pretrial Program Manager
Vermont	7/3/2019	ORAS-PAT	Court Diversion and Pretrial Services Director
Wake County, North Carolina	2/15/2017	Point Scale	ReEntry, Inc. Pretrial Release Program
Yakima County, Washington	4/12/2017	PSA	Administrative Supervisor, Pretrial Services

TOOL BACKGROUND

How does the tool define "recidivism"?

"Recidivism" is, in general, the likelihood of someone who has been convicted reoffending. There is no consensus, however, on the definition of recidivism across the jurisdictions that we interviewed, and many interviewees did not have a definition for recidivism at all.

For most interviewees who did answer, recidivism includes, to some degree, both a failure to appear in court and some type of new criminal activity. Definitions can vary widely by jurisdiction; one interviewee described recidivism as being a "danger to public safety", while others included any type of "new violation", defined as failure to appear, committing a new criminal offense, or violating the terms of release (such as by failing a drug test). Hennepin, MN, is the only jurisdiction we interviewed that specified recidivism as a "new conviction during pretrial period or before disposition," while in several other jurisdictions recidivism can merely mean a new arrest.

What is size of tool's recidivism window? (How many months between release and rearrest are considered recidivism by your tool?)

Fig 1: Recidivism Timeframe

6 months or less	3 Years or longer	Pretrial Period	Other

Buncombe, NC
Connecticut
Mesa, CO
	Eau Claire, WI
	San Antonio, TX
		Hennepin, MN
		New Jersey
		Dekalb, IL
		Napa, CA
		New Orleans, LA
		Contra Costa, CA
		Maine
		Shasta County, CA
		Oakland County, MI
		Alachua County, FL
		Cass County, MN
			Santa Clara, CA
			    As long as client is
			    supervised
			Yakima, WA
			    While case is open
			Harris, TX
			    No timeframe

Author generated from interviews
Did not include jurisdictions without answer

Jurisdictions interviewed do not have a consistent timeframe or follow-up period for recidivism. Interviewees define recidivism as "new arrest" within a range of timespans, from three months to over five years. Some jurisdictions did not know or did not know the period of time tools are measuring when forecasting recidivism.

Does the tool show results for failure to appear (FTA), new criminal activity (NCA), and new violent criminal activity (NVCA) as separate factors?

Results from pretrial risk assessment tools appear as scores that are meant to represent the likelihood of failure to appear and new criminal activity. These results appear either as a composite score that combines these two outcomes or separate scores for each outcome.

Fig 2: Score Outcomes

Separate Scores for FTA and NCA		Single Composite Score for FTA and NCA	
Alachua County, FL	FPRAI	Ada County, ID	VPRAI
Anne Arundel County, MD	Anne Arundel tool	Armstrong County, PA	ORAS-PAT
Cass County, MN	Cass County tool	Buncombe, NC	VPRAI
Eau Claire, WI	PSA*	Connecticut	Connecticut Tool
Hennepin, MN	Pretrial Scale/Bail Eval	Contra Costa, CA	VPRAI
Johnson County, KS	Johnson Pretrial Risk Assessment (only FTA)	Douglas County, KS	Douglas Risk Assessment
Knox County, TN	Knox County tool	Dekalb County, IL	VPRAI-R
Mesa, CO	CPAT	Hamilton County, OH	ORAS-PAT
Michigan Supreme Court	PSA*	Harris County, TX	Harris County Risk Assessment
Napa, CA	ORAS-PAT 3 scores: FTA, NCA, and violation of release terms	Lee County, FL	Lee County Pretrial Risk Assessment
Nashville, TN	Davidson County tool	Los Angeles County, CA	Modified COMPAS
New Jersey	PSA*	Madera County, CA	VPRAI
New Orleans, LA	PSA*	Maine	VPRAI
Saline County, KS	Saline Pretrial Risk Assessment	Oakland County, MI	Michigan PRAXIS
Santa Clara County, CA	Santa Clara Risk Assessment Tool (only has FTA score)	Richland County, OH	Probation and Entrance Tool
San Antonio, TX	Bexar County Pretrial Risk Assessment Tool (only has FTA score)	Shasta County, CA	VPRAI
Utah	PSA*	Vermont	ORAS-PAT
Yakima, WA	PSA*		

Author generated from interviews
*PSA includes score for NCVA as well

Which variables or factors are included in tool?

Tools vary in the specific factors utilized to determine risk level. Common variables include age, employment, housing, substance abuse, mental health, education, current charges, and criminal history. The weight each variable is given differs between tools as well.
The tools from several of our interviews and the variables they use are listed below:

Fig 3: Variables in Tools

Tool Type	Variables/Factors
Public Safety Assessment (PSA) [1]	Age at current arrest ● Current violent offense ● Pending charge at the time of the offense ● Prior felony conviction ● Prior violent conviction ● Prior failure to appear older than two years ● Prior sentence to incarceration
Virginia Pretrial Risk Assessment Instrument (VPRAI)	Charge type ● Pending charge ● Criminal history ● Two or more FTA ● Two or more violent convictions ● Unemployed at time of arrest ● History of drug abuse
Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R)	Active community supervision ● Charge of felony drug, theft, or fraud ● Pending charge ● Criminal history ● Two or more FTA ● Two or more violent convictions ● Length at current residence under one year ● Unemployed at time of arrest ● History of drug abuse
Ohio Risk Assessment System-Pretrial Assessment Tool (ORAS-PAT)	Age of first arrest ● Number of FTA warrants ● Prior jail incarceration ● Employed ● Residential stability ● Illegal drug use ● Severe drug use
Colorado Pretrial Assessment Tool (CPAT)	Having a home or cell phone ● Owning or renting one's residence ● Contributing to residential payments ● Past or current mental health treatment ● Age at first arrest ● Past jail sentence ● Past prison sentence ● Having active warrants ● Having other pending cases ● Currently on supervision ● History of revoked bond or supervision
Los Angeles Modified COMPAS	Current arrest charge ● Residential circumstances ● Minor children ● Source of support (employment) ● Substance abuse/usage (based on criminal record) ● Age at first arrest with conviction ● Currently on formal probation or parole ● Any other misdemeanors not counted above ● Any felony or misdemeanor narcotic conviction ● Any felony or misdemeanor weapons conviction ● Any summar parole with jail time ● Any pending matters ● Number of prior FTA ● Whether or not future residence is verified ● (Several disqualifying factors)
Connecticut Tool	Marital status ● Charge (most serious) ● "Lives with" ● Verifiable references ● Means of support ● Length at employer ● Total years of education ● Substance/mental health ● Prior FTA ● Number of convictions ● Prior criminal record ● Safety risk convictions ● Safety risk pending ● Dangerous instrument
Harris County Risk Assessment Tool	Criminal Risk Items: Current charge is for burglary, robbery, weapons, other property crime (except theft or fraud), or man/del CS (1 point) ● Def is on probation (1 point) ● Def is on parole (1) ● Def has only one prior misd. Conviction (1 point) or Def has two or more prior misd. Convictions (2 points) ● Def has only one prior felony conviction (1 point) or Def has two or more prior felony convictions (2 points) ● Def has one or more verified FTA's (1 point) ● Def has a hold (1 point)

	Background Risk Items: Def is male (1 point) ● Def does not have a HS diploma, or, earned a GED (1 point) ● Def does not have a phone in residence (1 point) ● Def lives with someone other than spouse, children or self (1 point) ● Def does not own an automobile (1 point) ● Def is not employed or attending school full time, and is not retired, disabled, or a homemaker (1 point) ● Def is under 21 years old and has a prior juvenile adjudication (1 point) ● Def is under age 30 (skip if 16 used) (1 point)
Hennepin County Pretrial Scale/Bail Evaluation Score	Prior failure to appear (Does not include probation warrants, the current complaint or arrest, or anything that was quashed. Only includes a bench warrant within the last 3 years from the date of the screening.) ● Prior Criminal History ● Current Problematic substance abuse (obtained from self reporting and contacting friend/relative, and available probation records) ● Housing instability (3 or more addresses, or moved around between friends and shelters within the last 12 months) ● Employment (those on public assistance don't get points. homemakers don't get points. work less than 20 hours, school less than 20 hours, or school and work combined to less than 20 hours earn points) ● Current Offense (look to judicial review list)
Florida Pretrial Risk Assessment Instrument	Age at admission ● Current most serious charge ● Current charge 907.041 (dangerous crimes. If here on dangerous crime, score 0, if non dangerous score 5) ● Employment status at admission ● Marital status ● Have cellphone/telephone ● Time at primary or current residence ● History of substance abuse or mental health issues ● Previous failures to appear ● Previous adult felony convictions ● Previous adult misdemeanor, criminal traffic, and municipal ordinance convictions
Lee County Pretrial Risk Assessment Tool	*Current Offense*: Misdemeanor or Felony ● Most Serious Offense is Not Drugs ● One-Three Charges ● Most Serious Offense is Property *Criminal History:* Three or More Prior FTAs ● Prior Violent Felony Conviction ● Pending Case at Arrest ● One-Three Prior Misdemeanor ● Four-Ten Prior Misdemeanor ● Eleven-More Prior Misdemeanor Convictions *Social Embeddedness:* Time in Residence Under Six Months ● Time in County Five or More Years *Demographics:* Age 30 or Younger ● Unemployed Less than Six Months ● Unemployed Six Months-One Year ● Unemployed One Year-Two Years
Richland County Probation and Entrance Tool	Age at first arrest ● What are previous arrests for ● Arrested within 2 years prior to current arrest ● Alcohol/drug usage problems ● Number of prior probation/parole supervisions ● Number of prior probation/parole violations ● Amount of time employed in last 12 months ● Attitude during intake
Bexar County Pretrial Risk Assessment	Current offense ● Prior Convictions ● Prior Failure to Appear ● Age of First Arrest ● Gender ● Residential Stability ● Current Age
Santa Clara Risk Assessment Tool	Age 18 to 20 ● Married ● Lives with Family ● College Degree ● Unemployed ● Mental Health Problem ● Prior Drug Treatment ● Two or More Current Charges ● Current Domestic Violence Case ● Current Property Charge ● Pending Case at Arrest ● On Probation at Arrest ● Prior FTA in Past 3 Years ● Two or More Prior Misdemeanors ● Prior Probation or Parole ● Two or More Prior Prison Commitments
Wake County Point Scale	Residence ● Time in Area ● Family Ties ● Employment or Substitutes ● Character, Prior Record
Nashville tool	Failure to Appear: Prior FTA warrants outstanding ● Current arrest is property charge ● Current arrest is traffic (non DUI) ● Prior drug conviction in past 5 years New Criminal Activity: Any pending cases ● Any prior misdemeanors ● Any prior felonies ● Any prior probation ● Any prior FTA warrant

What is your tool's score range? What is your tool's score range for Failure to Appear (FTA) or other outcomes?

Tools scores vary widely, directly impacting the range in which someone may be considered low, medium, or high risk.

Fig 6: Assessment Score Range

Tool Type	Low Risk	Medium Risk	High Risk
PSA (does not specify risk levels, only scores)	0-2	3-4	5-9
COMPAS[2]	1-4	5-7	8-10
Ohio Risk Assessment System (ORAS-PAT)	0-2	3-5	6-9
Los Angeles COMPAS	0-7	8-15	16 and above
Harris County Risk Assessment Tool	3 or less: low 4-5: low/moderate	6-8	9 or more
VPRAI-R	0-2: level 1 3-4: level 2	5-6: level 3 7-8: level 4	9-10: level 5 11-14: level 6
VPRAI	1: low 2: below average	3: average 4: above average	5-9: high
Lee County Pretrial Risk Assessment Tool	0-15	16-25	Over 25
Bexar County Pretrial Risk Assessment	Below 4	4-5 low-moderate	7 and above
Richland County Probation and Entrance Tool	0-18 Regular supervision	18-24 Close supervision 24-29 Intensive Stepdown	30 and above Intensive E.D.
Hennepin County Pretrial Scale	0-11 No bail, released	12-25 Conditional release	26 and above Require hearing
Douglas County risk assessment	0-5	6-13	14-23
Johnson County risk assessment	0-2: level 1 3-4: level 2	5-7: level 3	8-12: level 4
Florida Pretrial Risk Assessment Instrument	0-12	13-17: low moderate 18-22: moderate	23-51
Anne Arundel Recommendation Scheme	9 or more points: Release on Recognizance	4-8 points: Supervised Release	3 points and under: Continue detention

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[2] http://www.northpointeinc.com/downloads/research/DCJS_OPCA_COMPAS_Probation_Validity.pdf

Are any factors weighted higher than others? If yes, which ones and what are the weight amounts?

Each tool uses its own system of weighting different factors, as seen through the points assigned to the variables that impact final risk levels assigned. Some tools give the most points to previous failures to appear, while others weigh criminal history most heavily. Demographic data points, such as age, are counted more heavily in some tools than others. Several interviewees were not able to provide a breakdown of how factors are weighed, but most did mention that not all factors are weighed the same. Only Bexar County's tool weighs all factors the same.

Examples of weighted variables:

- VPRAI (used in 3 jurisdictions interviewed) assigns one point to all factors except Two or More FTA, which receives 2 points.

- VPRAI-R (used in 1 jurisdiction interviewed): assigns one point for FTA, violent convictions, and unemployment, two points for being under supervision, pending charges, criminal history, and history of drug abuse, and three points for charge of felony drug, theft, or fraud.

- PSA (used in 5 jurisdictions interviewed): assigns being 22 or under, prior sentence, and three or more prior violent convictions at 2 points each. Pending charge at time of offense is 3 points. All other variables are 1 point.

- CPAT: variables with the highest point value include age at first arrest (up to 15 points), past prison sentence (up to 10 points), and having other pending cases (up to 13 points). Variables with the lowest point value include owning or renting one's residence, past or current mental health treatment, past or current problems with alcohol, past jail sentence, and history of revoked bond and supervision (all up to 4 points each)

- Florida's FPRAI weights the current charge being 907.041 (dangerous charge or not), marital status, and time at residence as higher than most other factors. Previous FTA's has the highest weight, at 14 points possible out of the total 51 points, because pretrial risk was highest attributed to this factor in validation studies.

Has the tool's scale been altered or individualized from the developer's standard? 15b. Please describe the reasoning for altering tool.

This question is intended to gauge whether a jurisdiction changed the calibration of a tool and whether modification to a tool correlates to change in the pretrial jail population or other procedures. This question is inferring whether there is a difference between the tool's design, as intended by developers, and how its implemented by technocrats.

Our researchers found that the vast majority of jurisdictions interviewed did not modify tools from the developer's standard. Several jurisdictions modified or repurposed the tool to fit with local needs. For example, Buncombe, NC added residence and employment verifications but they are not included in the final score. Yakima, WA, uses the PSA, but local jurisdictions can choose which charges to include. Many tools were developed locally, and so were already individualized tools.

TRANSPARENCY

Who sees the tool's results?

Based on our interviews, judges almost always have access to the results of pretrial risk assessments, while attorneys sometimes do not. Transparency of results varies by jurisdiction.

Fig 8: Assessment Outcomes Transparency

Jurisdiction	Judge	Prosecutor (District Attorney)	Defense (often Public Defender)
Los Angeles, CA	Yes	Yes	Yes
Eau Claire, WI	Yes	Yes	Yes
Harris County, TX	Yes	Given Upon Request	Given Upon Request
Lee County, FL	Yes	Yes	No
Buncombe, NC	Yes	No (Available for view)	No (Available for view)
Santa Clara, CA	Yes	Yes	Yes
Yakima County, WA	Yes	Yes	Yes
Hennepin, MN	Yes	Yes	Yes
Utah	Yes	Yes	Yes
New Jersey	Yes	Yes	Yes
New Orleans, LA	Yes	Yes	Yes
San Antonio, TX	Yes	No	Info is public
Connecticut	No	No	No
Mesa, CO	Yes	Yes	Yes
Hamilton, OH	Yes	No	Yes
Contra Costa, CA	Yes	Yes	Yes
Napa, CA	Yes	Yes, after arraignment	Yes, after arraignment
Dekalb, IL	Yes	Yes	Yes
Wake, NC	No	No	No
Maine	No	No	No
Shasta, CA	Yes	Yes	Yes
Cass County, MN	Yes	Yes	Yes
Madera County, CA	Yes	Yes	Yes
Alachua County, FL	Yes (at arraignment)	Yes (at arraignment)	Yes (at arraignment)
Ada County, ID	Yes	Yes	Yes
Armstrong County, PA	Yes	Yes	Yes
Douglas County, KS	Yes	Yes	Yes
Nashville, TN	Yes (commissioner)	No	No
Knox County, TN	Yes (magistrate)	No	No
Saline County, KS	Yes	Yes	No
Oakland, MI	Yes	Yes	Yes
Michigan Supreme Court	Yes	Judges share with both if present at arraignment	

Source: Author generated from interviews

Who sees results?	Count of interviewed jurisdictions
Judge and both attorneys	20
Judge, attorneys can see upon request	2
Judge and prosecutor	2
Judge and defense	1
Pretrial staff only	3
Judge, information is public	1
Commissioner to set bond and pretrial services	1
Commissioner or magistrate	2

Source: Author generated from interviews

In Connecticut, pretrial service agency representative assessment results are not given in written form to the judge or other parties. Instead, results are given as a court testimonial by a pretrial program officer. Government officials conducting and providing oral testimony in court are trained and accredited by the National Association of Pretrial Services Agencies (NAPSA). In San Antonio, TX, results are given to the judge and defense attorney, but not the prosecutor unless they request it.

In Buncombe, NC, the tool's outcomes are not given to either counsel. Results are shown to the judge during trial because the entire report contains confidential criminal history data. In Lee County, FL, results are given to the judge or state attorney, but not the defense attorney. In Ohio, assessment results are given to the judge and defense, but not the prosecutor. In Hennepin County, MN, results are entered as a bail evaluation form into a case management system and therefore are retained.

In several jurisdictions interviewed, pretrial services prepares a report that is available for the court either before or during the preliminary arraignment or first appearance of the defendant. In Maine, as in a few other places, only staff see the results because the risk assessment tool is in a pilot stage. In Knox County, TN, the tool is only used in magistrate court for misdemeanors, so the scores are seen there.

How are results or score used pretrial?

The results of pretrial risk assessments are used differently in different jurisdictions. Risk scores are usually presented to judges as a recommendation for pretrial release or detention, but judges often retain full discretion in final pretrial outcomes. In Dekalb County, IL, judges follow risk score recommendations in 80% of cases, and for the remaining 20% judges usually detain defendants despite recommendations for pretrial release.

Risk scores may make recommendations about whether or not someone should be released, bail amounts, or the level of or length of supervision they should receive pretrial. In Harris, TX, for instance, risk assessment outcomes produce five possible recommendations: no cash bond, detain, pretrial bond, standard conditions, or recommend additional conditions. Shasta County, CA, is utilizing VPRAI to release individuals into a supervision program with conditions and check-ins. Pretrial services and the commissioners in Nashville, TN, use the results to set bonds and ensure proper supervision is assigned.

In Anne Arundel County, MD, the scores help to determine if an individual meets criteria for release, conditional release, or continued detention.

In several jurisdictions, a low risk assessment score means defendants are automatically released. In Hennepin, MN, for example, pretrial services officers are mandated to release defendants who receive a risk score below a particular level. Los Angeles, Richland, OH, and Napa, CA, also recommend pretrial release for low risk scores, with varying levels of supervision. Cass County, MN ensures that low risk scores receive ROR without question.

Knox County, TN, only uses their tool currently on misdemeanor cases eligible for a bond. The tool produces a score that recommends one of three levels of supervision, all of which result in a release with increasing frequency of check ins as scores get higher.

In several jurisdictions, including Napa, CA, high risk scores require a hearing before a judge or bail magistrate to determine if they should be released with conditions or detained pretrial. In Hamilton, OH, a score of three or higher means defendants must receive supervision, while in Richland, OH, high-risk defendants are released but with electronic monitoring or personal supervision.

Douglas County, KS never recommends detention through the use of their tool; they recommend OR or supervised release in the majority of cases and only pretrial monitoring for severe cases.

Is there a publicly available guide to your tool that describes both how it calculates risk score, and how that information is used by pretrial decision-makers?

A majority of jurisdictions interviewed do not have a guide publically available.

VALIDATION

How has your tool been validated? If validated, by whom/by which company? How often?

There has not been a consensus among jurisdictions on what "validation" entails. There is a lack of consistency regarding how frequently validations, evaluations, or audits should be conducted, which entity should conduct audits and provide oversight, the type of data used for validation, and so on. A few jurisdictions claimed a tool has been "validated" because the developer has validated it. Others stated their tool has not been locally validated, but has been verified in other states.

Overall, 30 of the 38 jurisdictions reported their tool was validated in some way, but only 17 were validated locally or were created and validated specifically for a local population. A few tools are regularly validated, ranging from a schedule of every six months to every ten years. Many others, however, had only validated their tool once, usually 5-10 years ago.

Selected samples from interviews:
- Los Angeles has not validated their tool since its inception 20 years ago. Santa Clara, CA, and Lee County, FL, have not validated their tools since implementation in 2011. Buncombe, NC, stated their tool has not been validated in over seven years, but they planned to validate in 2017 by a government employee, the county's Criminal Justice Planner.

- Shasta County, CA stated their tool was validated on a similar population but not the actual Shasta population.

- Several locally developed tools, such as Saline County and Prince George County, were too new to have been validated yet but plan to validate in the future.
- An outside contractor validated the pretrial assessment tool in Mesa County, CO, five years ago. The interviewee states legislation and laws in Mesa County have changed since the tool's inception. Validation of the tool should take place to reflect this legislative change. Cost is prohibitive so the county will rely on a local university to conduct the upcoming validation.

- Connecticut, which uses a statewide tool, revalidated in 2015 by an independent party to meet the National Association of Pretrial Service Agencies accreditation standard. The previous validation occurred 10 years ago.

Fig 9: Locally Validated Pretrial Assessment Tools

Jurisdiction	Date/Frequency	Validated by whom/which company?
Ada County, ID	Validated initially, revalidating as switch to VPRAI-R	MacArthur Foundation
Alachua County, FL	Initially in 2010, revalidating in 2019	JFA Institute
Cass County, MN	2019	Unknown
Connecticut	Every 10 years (NAPSA accreditation standard)	Dr. Jennifer Hedlund (independent party)
Hamilton County, OH	2010	University of Cincinnati
Harris County, TX	~2007	Dr. James Austin, JFA Institute
Hennepin County, MN	2015, revalidating 2017	4th Judicial District
Johnson County, KS	Validated when created in 2013	Unknown
Lee County, FL	~2011	Dr. Levin, Pretrial Justice Institute
Los Angeles, CA	20 years ago	Unknown
Maine	2017	Luminosity, Inc
Mesa County, CO	Every five years	Dr. Mike Jones (will use new validator in future)
Michigan Supreme Court	Currently validating	Criminal Justice Institute
Nashville, TN	2018	Unknown
Oakland County, MI	2012-2013	Informal
Richland County, OH	1998	Probation office (developer)
San Antonio, TX	~ 2012	Dr. James Austin (tool's developer)
Santa Clara, CA	~2011	Dr. Levin, Pretrial Justice Institute

ASSESSMENT OUTCOMES

Which defendants are assessed by the tool?

Most tools are used for all defendants, though in a few jurisdictions interviewed they are only used for those charged with felonies. Many tools include several qualifying and disqualifying factors that impact whether or not a tool may be used with certain defendants. Assessing defendants charged with felonies and misdemeanors would provide pretrial service agencies with more data and transparency in how tools determine cases.

Fig 10: Which Defendants are Assessed?

Jurisdiction	Defendants Assessed	Qualifications/Disqualifications
Ada County, ID	All	As long as new charge and within the county
Alachua County, FL	Most	Exclude defendants with other warrants or holds, such as out of state or out of county charges, state prisoner held on another case, in custody on cases, picked up new violations
Anne Arundel County, MD	Some	Defendants who appear for bail review
Armstrong County, PA	Some	Defendants seeking bond reduction
Buncombe, NC	All	
Cass County, MN	Crimes of violence	Crimes of violence are the ones that require bail evaluations
Connecticut	All	Felony, misdemeanor, anyone incarcerated or held by police
Contra Costa, CA	Felony only	Disqualifying factors: Misdemeanor, has a hold, formal probation violator, domestic violence, DUI
Dekalb, IL	Some	All criminal defendants who are either unable to immediately post bond (set by statute) or are not given opportunity to pay bond
Douglas County, KS	All	All arrested, evaluated within 24 hours
Eau Claire, WI	All	
Hamilton, OH	All	
Harris, TX	Felony and Class A and B Misdemeanors	
Hennepin, MN	Felonies and Gross Misdemeanors	Developing separate tool for other misdemeanors
Johnson County, KS	All	Exclude municipal charges
Knox County, TN	Misdemeanors	Only bailable misdemeanor charges
Lee County, FL	All	
Los Angeles, CA	Most	Disqualifying factors: Not identifiable through fingerprints; Transient for six months or more ; If current arrest is a violation of felony parole or probation ; If defendant has had three bench warrants in the past three years ; In possession of narcotics with a bail higher than 500k

Madera County, CA	Unknown	Only assess based off court order, post-arraignment
Maine	All	
Mesa, CO	All	
Michigan Supreme Court	All	(In pilot phase) Assessing all defendants. Not just felony or misdemeanors. If too onerous for courts, if schedule too full, we said maybe randomize: every 3rd defendant. But should be all in-custody defendants.
Napa, CA	Felony only	
Nashville, TN	All	May exclude severe charges on case by case basis
New Orleans, LA	Felony only	
New Jersey	Some	Tool is used on those who are accused of indictable offenses (1st, 2nd, 3rd, 4th or 5th degree offenses to be tried by a grand jury first) or disorderly persons offenses. Not in use for petty disorderly offenses.
Oakland, MI	All	Assess everyone as best as possible, but no central booking facility so may miss some defendants
Richland, OH	Felony only	
Saline County, KS	Most	Include all defendants charged with new crimes except those charged with murder or attempted murder, those who are past their first appearance date, those with outside holds from other agencies
San Antonio, TX	Some	Used for those eligible for personal recognizance or condition
Santa Clara County, CA	All	All Misd/Felony on-view arrests and arrest warrants are assessed. Does not assess Misd/Felony bench warrants as of 2018
Shasta County, CA	Misdemeanors only	Felonies and serious violent offenses are excluded from assessment.
Utah	Unknown	
Vermont	Voluntary	Some ordered to work with pretrial services, others volunteer for tool to receive services
Wake County	Some	A magistrate, district or superior court judge can place a defendant charged with any criminal charge on the pretrial services program. Pretrial Services does **not** initiate interviews for many specific charges
Yakima County, WA	All	Only in district and superior courts

Note: "Unknown" refers to an answer not provided or lack of information from interviewee.

Has jurisdiction experienced a change in pretrial jail population since the tool's inception? If yes, how so?
Has jurisdiction experienced a change in monetary BAIL since tool's inception?
Has jurisdiction experienced change in the rate of Electronic Monitoring assigned to pretrial jail population since tool's inception?

Only nine jurisdictions stated that their pretrial jail populations have decreased since they started using a pretrial risk assessment tool. Many jurisdictions are not tracking data concerning pretrial jail population, bail, or electronic monitoring, so it is difficult to attribute any changes to the use of a risk assessment. There are also many other factors at play, such as changes in population or local laws, that impact pretrial jail populations, so not all changes can be attributed to the introduction of a risk assessment. In Vermont, changes result from legislative changes around bail and promotion of criminal justice reform, rather than from the tool usage. Johnson County, KS, acknowledged that major systemic changes, like their new tool, will have long-term consequences they cannot yet see.

Some jurisdictions have seen more consistency with the use of the risk assessment, while for others judges have been ignoring the tool or going against its recommendations. In Cass County, MN, and Nashville, TN, our interviewees felt that having statistical research behind judges' decisions was better than a judge's impression of a defendant. In Oakland County, MI, though, some judges were being more careful with bail while others have not changed their behavior following the tool's implementation.

Knox County, TN, has seen steady increases every month in those released from magistrate court with their new tool, but has not seen a major change in their jail population numbers.

 For some, bail and electronic monitoring operate somewhat independently of the tool, based on when the tool is implemented and who sees results. In Madera County, CA, what impacted electronic monitoring the most was not the use of a tool but rather individuals opting for electronic monitoring to be out of a physical jail or choosing to stay in jail because the electronic monitoring device was costly.

Fig 11: Demographic Change Since Tool's Inception*

Jurisdiction	Pretrial Jail Population	Pretrial Bail	Electronic Monitoring
Alachua County, FL	Decrease (party because tool and partly because fewer arrests)	More are released on ROR (without bail) with low scores now than before tool use	Mainly use for high profile cases or serious charges; if weren't released on EM would not be out at all
Buncombe, NC	Decrease (More released without needing bond hearing)	Lower scores lead to lower bond amount	Increase (10 total)
Cass County, MN	Decrease	More scientific now	Stable for 20 years
Calvert County, MD	Decrease	Tool not impact bail	Unknown
Connecticut	Unknown	Decreased bail amounts & More released without bail	Unknown

Contra Costa, CA	Decrease (by 3-5%)	Unknown	No public data
Dekalb County, IL	Decreased (by 25%) Before tool, increased 10% per year	Decreased (Only 25% receive bail)	Increase (30%)
Douglas County, KS	Same/static	Unknown (standard bond schedule)	Started EM at same time as started using tool
Hamilton, OH	Same	Same	Increase (not assoc. with the tool)
Lee County, FL	Not tracked	Same	Increase
Knox County, TN	Static	More released every month-otherwise would have to pay bond or stay in jail/plead out	Unknown
Michigan Supreme Court	Unknown	More PR bonds set	Unknown
Mesa, CO	Unknown	Decreased (number receiving bail)	Unknown
New Jersey	Decrease (by 22%)	Decrease (no bail given in first 3 months)	Unknown
New Orleans	Decrease (by 27% since 2012)	Not tracked	Not tracked
Saline County, KS	New tool, not yet tracked	Decrease (lower bonds and more released OR)	Unknown
San Antonio, TX	Unknown (population very high)	Increase those released on surety	Fluctuates
Santa Clara, CA	Same	Not tracked	Increase
Shasta County, CA	Same	Unknown	Increase
Yakima, WA	Decrease	Decrease in bail amounts	Increase (10 cases total)

*As claimed by interviewee, not backed with separate data
Notes: Jurisdictions with all N/A or unknown answers were not included in table

Does department/office/agency collect demographic data on prison population? Are data public?

A majority of jurisdictions interviewed are not tracking demographic data. Only eight reported any type of demographic data collection, usually by race, and only two of those jurisdictions made demographic data publicly available.

Connecticut collects detention rates by race/ethnicity and makes these data public. Maine reported greater diversity in their pretrial population, including more people of color and more women, as their state population changes.

Are you attempting to reduce racial disparities in pretrial incarceration through the use of this tool? Do you measure the increase or decrease of pretrial incarceration of people of color through the use of tool?

Some jurisdictions spoke to the ways that they are trying to reduce racial disparities through their tools, laws, or agencies. Very few of our interviewees offered racial data on the pretrial population to demonstrate an increase or decrease in the number of incarcerated people of color, and some did acknowledge that reducing disparities was not the purpose of the tool. Several did, however, recognize that racial disparities exist in their jail system.
Selected sample from interviews:

- In Buncombe County, NC, interviewee states "county has racial disparity in jail system." Buncombe, NC, decided to address implicit bias within jail system this year with a Justice Advisory Group. This group meets monthly and will be offering a full day training for judges, public defenders, etc. This training will be conducted by North Carolina Public Defender Committee on Racial Equality.

- Connecticut stated that addressing racial disparity is part of the mission of pretrial services.

- Dekalb, IL, deliberately moved to the updated VPRAI-R because it removed the residential stability question that can lead to disparities in score by race and gender.

- Douglas County, KS, tried to keep the tool race-neutral but acknowledges that even considering prior convictions in the tool can include a racial bias. The county is looking at racial issues such as disparities in traffic stops.

- In Harris County, TX, the interviewee states tool is "race, gender, and wealth neutral" because it's based on criminal history. Harris County received a grant from the MacArthur Foundation. Harris recently hired a race and ethnic disparity administrator, a new role tasked with looking at data, particularly as it relates to Black and Brown populations. The role will also build relationships with the community and reduce overrepresentation in jail.

- For Hennepin, MN, the interviewee stated that they are always trying to account for bias in the jail and pretrial populations and address racial bias. They assert that their tool has been validated for racial bias, and will hopefully work to mitigate bias in the system.

- Santa Clara, CA is working with the Pretrial Justice Institute to study their own racial disparities. They pointed to state legislation and propositions that have addressed racial disparities.

- In New Orleans, LA, San Antonio, TX, Shasta County, CA, Yakima County, WA, Mesa County, CO, and Armstrong, PA,, interviewees responded by stating the pretrial assessment tool was NOT implemented to explicitly reduce racial disparity in pretrial incarceration. The Yakima, WA interviewee stated that race has nothing to do with assessment.

- Maine said they were concerned about racial disparities that can be common in some tools and try to address inherent structural inequalities with staff, but it was not the main driving factor for the tool.

- Oakland County, MI is exploring doing research on implicit bias in judicial decisions and wants to correct racial disparities.

- Nashville, TN, noticed racial disparities in their pretrial services and is researching why this disparity exists. They note that the tool doesn't see color but how the law is enforced has a racial impact.

- The Michigan Supreme Court interviewee stated that the tool "must not say that any one demographic group is at a risk more than they truly are."