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County Ideas
that Work

NACo | VIRTUAL LEARNING
COMMUNITY

Front-End Justice Reform: The Role of Risk Assessments in Cost-Saving Justice Reform



County Ideas
that Work

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Webinar Recording and Evaluation Survey

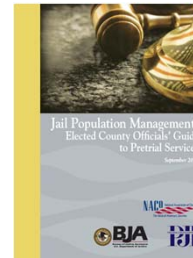
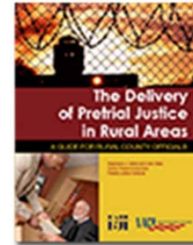
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Question & Answer Session Instructions

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NACo's Work on Pretrial Justice

- The Delivery of Pretrial Justice in Rural Areas: A Guide for Rural County Officials
- Jail Population Management: An Elected County Official's Guide to Pretrial Services



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

<http://www.naco.org/justice>.

Today's Speakers:

Elizabeth Simoni

Executive Director
Maine Pretrial Services, Inc.

Hon. Gregory Donat

Judge, Tippecanoe Superior Court #4
Tippecanoe County, Ind.

Commissioner Mary Stern

Yamhill County Commissioner
Yamhill County, Ore.

PRETRIAL RISK ASSESSMENT

Elizabeth Simoni, J.D.
Executive Director
Maine Pretrial Services, Inc.

Pretrial justice policies and practices exist to provide due process to the accused, eliminate inappropriate detention, and maintain community safety.

PRETRIAL RISK ASSESSMENT

The purpose of pretrial risk assessment is to identify the likelihood of failure to appear in court and the danger to the community posed by a defendant pending trial.

WHO USES PRETRIAL RISK ASSESSMENT?

- It is estimated that there are between 200 and 300 pretrial programs nationally
- There is no information nationally about pretrial services in more than 2,000 counties nationally.

Use of an objective and research based pretrial risk assessment

- Strongly recommended by the American Bar Association
- American Bar Association Standards for Criminal Justice *Standards on Pretrial Release, Third Edition (2002)*
- Strongly recommended by the National Association of Pretrial Services Agencies Standards
- National Association of Pretrial Services Agencies *Standards on Pretrial Release, Third Edition (2004)*

Best Predictors of Pretrial Failure

- Primary charge
- Pending charges
- Prior misdemeanor arrests
- Prior felony arrests
- Prior failures to appear
- Employment status
- Residence status
- Substance abuse

Maine Pretrial Risk Assessment Instrument

Risk Factors				YES	NO
1. Charge Type	Felony or Misdemeanor		1	0	
2. Pending Charge(s)	Yes or No		1	0	
3. Criminal History	Yes or No		1	0	
4. Two or More FTA Convictions	Yes or No		2	0	
5. Two or More Violent Convictions	Yes or No			1	
6. Less than 1yr at Current Residence	Yes or No		1	0	
7. >2 yrs continuous employment/primary child caregiver	Yes or No			1	
8. History of Drug Abuse	Yes or No		1	0	
			TOTAL		
Risk Level					
LOW-1					
BELOW AVERAGE-2					
AVERAGE-3					
ABOVE AVERAGE-4					
HIGH-5-9					

Pretrial Risk Assessments Should

- Be validated to assure accuracy
- Equitably classify defendants regardless of race, ethnicity, gender, or socioeconomic status
- Be consistent with applicable state statutes

Identify the Risk Level

Low Risk

defendants can
be safely
released with
limited or no
conditions

Moderate Risk and Higher Risk

defendants can be
best managed by
using appropriate
release conditions

System Benefits

Criminal Justice Benefits:

- More informed release/detention decisions
- Enhanced public safety
- Efficient case processing (reduced failures to appear, reduced pretrial misconduct)

Taxpayer/Community Benefits:

- reduction in jail crowding and boarding cost avoidance
- safer community
- protection of witnesses and victims

Cost Savings/Cost Avoidance

Maine Pretrial Services
**Average cost of one full
time employee**

\$67,000.00 per year
Oxford County, Maine

**Average cost savings/cost
avoidance generated
by one full time
employee:**

**9,994 bed days saved
x \$26 day = \$259,844
minus cost of FTE =
**\$192,844 costs
avoided****

Maine Pretrial Statewide Savings 2012

- 123,406 bed days saved
- $123,406 \times \$26 \text{ per day} =$
 $\$3,208,556$

Minus cost of all pretrial
county contracts
(\$ 1,014,100)
= \$2,194,456

TOTAL COST AVOIDANCE
FOR MAINE COUNTIES
CONTRACTING FOR
MAINE PRETRIAL
SERVICES

\$2,194,456

SAVING MONEY CAN STILL BE SAFE

1533 Defendants
Released

- N=1533

1516 Defendants
Appearing for Court

- 1516=**98.8%**
Appearance rate

1427 Defendants with
No New Criminal
Conduct

- 1427=**93%** **Safety
rate**

Implementation Issues

- Validation process
- Evidence based
- Training/certification process
- Stakeholder cross training, buy-in needed to prevent “pushback”
- Resource limitations

General Lessons Learned

- Keep data (Resource: NIC's "Measuring What Matters")
- Use consistent measurements.
- Involve stakeholders early and often!
- Be knowledgeable about the research.
- Do not use post-conviction tools.

Maine Lessons Learned

- Aroostook County Experience
 - Androscoggin County Experience
 - Kennebec County Experience
-
- Overcrowding
 - Capacity
 - Stakeholder Shifts

National Association of Pretrial Services Agencies

NAPSA support is available across the United States.

If you need assistance, please contact Elizabeth Simoni, and I will connect you with the appropriate help in your region.

We are glad to offer support anytime!

napsa.org

Elizabeth Simoni, J.D.

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Now Speaking...



Hon. Gregory Donat

Judge, Tippecanoe
Superior Court #4

Tippecanoe County, Ind.

The Indiana Risk Assessment System: Pretrial Assessment Tool (IRAS-PAT)

INDIANA RISK ASSESSMENT SYSTEM: PRETRIAL ASSESSMENT TOOL (IRAS-PAT)

Name: _____ Date of Assessment: _____
 Case#: _____ Name of Assessor: _____

Pretrial Items		Verified
1. Age at First Arrest 0=33 or older 1=Under 33	<input type="text"/>	<input type="checkbox"/>
2. Number of Failure-to-Appear Warrants Past 24 Months 0=None 1=One Warrant for FTA 2=Two or More FTA Warrants	<input type="text"/>	<input type="checkbox"/>
3. Three or more Prior Jail Incarcerations 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
4. Employed at the Time of Arrest 0= Yes, Full-time 1= Yes, Part-time 2= Not Employed	<input type="text"/>	<input type="checkbox"/>
5. Residential Stability 0=Lived at Current Residence Past Six Months 1=Not Lived at Same Residence	<input type="text"/>	<input type="checkbox"/>
6. Illegal Drug Use During Past Six Months 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
7. Severe Drug Use Problem 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
Total Score:		<input type="text"/>

Scores	Rating	% of Failures	% of Failure to Appear	% of New Arrest
0-2	Low	5%	5%	0%
3-5	Moderate	18%	12%	7%
6+	High	29%	15%	17%

The Indiana Risk Assessment System: Pretrial Assessment Tool (IRAS-PAT)

Please State Reason if Professional Override:

Reason for Override (note: overrides should not be based solely on offense):

Other Areas of Concern. Check all that Apply:

- Low Intelligence*
- Physical Handicap
- Reading and Writing Limitations*
- Mental Health Issues*
- No Desire to Change/Participate in Programs*
- Transportation
- Child Care
- Language
- Ethnicity
- Cultural Barriers
- History of Abuse/Neglect
- Interpersonal Anxiety
- Other _____

*If these items are checked it is strongly recommended that further assessment be conducted to determine level or severity.

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Thank you for participating in NACo's webinar.

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NACo's Criminal Justice programs, visit:
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With any questions about this webinar, please
contact: mlevine@naco.org