

PRETRIAL RELEASE TASK FORCE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
November 8, 2019

FY20-PR#01. Implement Pretrial Measurement and Data Requirements [Policy]

Recommendation FY20-PR#01

Local pretrial service programs, State Court Administrators' Office and other data repository entities shall gather and submit specific, case and/or person level data elements to the Division of Criminal Justice (DCJ) annually. These data must include distinct performance and outcome measures (the detailed data elements may be found in the appended Addendum). The Division of Criminal Justice in consultation with a statutorily created statewide pretrial services data advisory group (see CCJJ Recommendation FY20-PR#02) will establish the required data elements [Note: The required 1.0 FTE and the one-time appropriation for information technology requirements related to these functions are found in FY20-PR#02.]. The elements of this policy recommendation include:

- To promote statewide data consistency, a statewide central repository for all pretrial services data is required. This central repository will be located in the Division of Criminal Justice of the Colorado Department of Public Safety.
- The following distinct categories of pretrial services data to be utilized by pretrial services entities and reported to DCJ as outcome and performance measures have been identified:
 - Crime rate, arrest and demographics;
 - Initial bond period, including assessment, bond recommendations, bond ordered, and jail pretrial data;
 - Jail pretrial population data and sentencing outcomes; and
 - Supervision related outcomes.
- The statewide pretrial services data advisory group is recommended to use the Recommended Pretrial Services Data Elements (see Addendum) to guide oversight of data collection for pretrial outcomes and to gain agreement among system stakeholders for performance measurement of pretrial programs.
- Implementation timelines for the collection and submission of required pretrial data by the required pretrial entities will be determined by DCJ in collaboration with the statewide pretrial services data advisory group.
- DCJ shall also undertake the following:
 - Determine that risk assessment instruments have been evaluated and validated in Colorado to maximize accuracy and to statistically minimize bias on the basis of race, ethnicity and gender.
 - The data analysis and evaluation for bias on the basis of race, ethnicity and gender regarding the outcomes of the bond setting process, including the type of bond set, the amount of any secured monetary condition of bond, and any other conditions of release on bond must be performed.
 - The development of training, technical support processes and software/applications to assist the impacted entities in the collection and submission of the required data elements. DCJ may contract with information technology vendors to develop the data collection and submission infrastructure and applications (related appropriation in FY20-PR#02).

Discussion

National standards recommend outcome and performance measures of mission-critical data for pretrial service programs (see Footnote #1 below). Currently, Colorado does not meet the national standards of data required to measure pretrial services performance and outcome impact. This shortcoming is due to a number of identified gaps:

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- variation across jurisdictions in the organizational structure, scale, and scope of pretrial operations;
- presence of multiple software systems that vary from county to county;
- lack of shared, unique person identifiers;
- variations in definitions of data elements, resulting in the same data points measuring different elements in practice; and
- a lack of a consistent statewide agreement on performance measures and the data to represent these measures.

This environment leads to pretrial measurement that is not useful to policy makers, pretrial program operators and the public served. This policy provides implementation recommendations for the data elements and outcomes to be gathered by local pretrial service programs at key decision points in the State of Colorado pretrial criminal justice system. This will derive performance indicators for pretrial services to set bond and establish conditions of release for felony and misdemeanor level offenses.

Data measures enable pretrial service agencies to gauge more accurately their programs' effectiveness in meeting agency and justice system goals. This includes bias reduction, protection of pretrial liberties, the maintenance of least restrictive conditions during pretrial as well as maintaining the integrity of the judicial system and enhancing public safety. These data will help to ensure that risk assessment instruments and supervision conditions are accurately measuring client risk, minimizing biases related to race, gender, economics and subjective criminal justice system decision making.

The recommended data elements within this recommendation are definable and measurable for most pretrial service programs, are consistent with established national pretrial release standards¹ and are compatible with the mission and goals of individual pretrial programs. These data recommendations are also designed to ensure the best use of taxpayer funds while meeting the expectations of the community and criminal justice system and the needs of individuals at pretrial services decision points.

¹ For example, see *Measuring What Matters: Outcomes and Performance Measures for the Pretrial Services Field* (2011) (nicic.gov/measuring-what-matters-outcome-and-performance-measures-pretrial-services-field).

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FY20-PR #01: ADDENDUM
Recommended Pretrial Services Data Elements

Data Category	Data Point	Availability	Data Source	Comments
CRIME RATE				
Crime Rate	Crime Rates	Green	NIBRS	
Crime Rate	Criminal Cases Filed	Green	SCAO	
ARREST				
Arrest	Arrests: Traffic, Misdemeanor, and Felony	Green	CBI/CCIC	
Arrest	Arrest Date	Green	NIBRS/CCH	
Arrest	Pending Cases (at time of arrest)	Yellow	SCAO/Pretrial/CCIC	Distinguish pretrial vs. post-conviction
Arrest	Warrant Upon Affidavit	Yellow	SCAO	
Arrest	Warrantless Arrest	Yellow	SCAO/NIBRS	
Arrest	Summons Rate (Detention vs. non-detention eligible)	Yellow	SCAO/NIBRS	
DEMOGRAPHICS				
Demographics	Age/DOB	Green	SCAO	Person level
Demographics	Gender	Green	SCAO	Person level
Demographics	Race	Yellow	Jail/Pretrial	Person level
Demographics	Ethnicity	Yellow	Jail/Pretrial	Person level
Demographics	Employment/Education	Yellow	Pretrial	Person level
INITIAL BOND PERIOD				
Initial Bond Period	Attorney Representation at 1st Appearance	Yellow	SCAO	
Initial Bond Period	Date of Arrest to Date of Bond Posted to Date of Release	Green	SCAO	Bond posted
Initial Bond Period	Concurrence/Agreement/Override Rate	Yellow	Pretrial	Person level Recommendation = Order
Initial Bond Period	Time From Release to Start of Pretrial Supervision	Yellow	Pretrial/Jail	
Initial Bond Period	Bond Type/% PR	Green	SCAO	Person level
Initial Bond Period	Bond Amount	Green	SCAO	
Initial Bond Period	Initial Bond Conditions	Yellow	Pretrial	Hard to get consistency across JDs Recommended and ordered: Electronic monitoring Monitored sobriety General case management Admin/low level supervision Protection order
Initial Bond Period	CPAT & CPAT-R Other Pretrial Risk Assessments	Yellow	Pretrial	Person level Individual items

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Initial Bond Period	Other Assessments (ODARA, DVSI, RANT)	Yellow	Pretrial	Name of assessment and Yes/No
Initial Bond Period	Charge Levels	Green	SCAO	
Initial Bond Period	Pretrial Released/Detained Rate	Red	Jail	Person level (excluding holds)
Initial Bond Period	Bondable/Non-Bondable Holds	Red	Jail	Person level Hold Y/N-preventing release Type of hold(s); Other County, Probation, Parole, Federal, Sentenced, Other
Initial Bond Period	Charge Type	Green	SCAO	At initial advisement (arrest charges)
Initial Bond Period	Universal Screening-% of arrests on new charges (warrantless arrests)	Yellow	SCAO/NIBRS	Person level Define denominator Did your pretrial services assess those presenting on affidavit warrants or warrantless arrests? All filings except summons
Initial Bond Period	PR Rate (Supervised)	Green (supervised) Yellow (unsupervised)		SCAO has bond type for everyone-they would need input to differentiate supervised
Initial Bond Period	Commercial Surety Rate (Supervised)	Green (supervised) Yellow (unsupervised)		SCAO has bond type for everyone-they would need input to differentiate supervised
Initial Bond Period	Cash Only Bonds		SCAO	
JAIL POPULATION DATA				
Jail Population Data	Pretrial Detainee Length of Stay	Red	Local jails	Required by new legislation for all (not just pretrial), point in time snapshot # of days in custody unsentenced without holds
Jail Population Data	Jail Bookings and Jail Releases	Green	Local jails	
Jail Population Data	Jail Average Daily Population	Green	Local jails	
SENTENCING				
Sentencing	Criminal Case Dispositions	Green	SCAO	Should include plea vs. verdict at trial
Sentencing	In custody at sentencing Y/N	Green	SCAO	Never posted bond by sentence date
Sentencing	Most restrictive sentence	Green	SCAO	
SUPERVISION RELATED				
Supervision Related	Court Appearance Rate (Supervised)	Green	Pretrial	Person level Tracked by supervision event Currently Y/N need to delineate 60/90/120 days

[As Approved]

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Data Category	Data Point	Availability	Data Source	Comments
Supervision Related	% incurring FTA who return to court within 30/90/120 days (Supervised)			Required in proposed legislation
Supervision Related	Public Safety Rate (Supervised)	Green	Pretrial	Person level. Find a way to track type/severity of new filing (e.g., new VRA crimes) Aim to include non-supervised population
Supervision Related	Public Safety Rate (Supervised)-Violent/Serious Crime		SCAO	VRA Crimes
Supervision Related	Technical Compliance Rate (Supervised)	Green	Pretrial	Person level. A lot of variation by districts Aim to categorize (like with PS rate)
Supervision Related	Revocations (Supervised)			Summons bond