



**FY2019 RECOMMENDATION/FY19-PR02 Implement Pretrial Risk Assessment Processes and Training [Policy]**

**Status:** Cannot Implement

**Actions/Updates**

**2020 UPDATE**

This recommendation was withdrawn and replaced by a subsequent recommendation. See CCJJ Recommendation FY20-PR #03 (Implement Bail Bond Reform[Statutory]).

**2019 UPDATE**

Aspects of the recommendation were included as part of House Bill 2019-1226. The bill was introduced March 8, 2019 and, although it passed in the House and two Senate committees, the bill "died on the calendar" without further action by the Senate at the end of the FY 2019 Legislative Session. Any non-statutory action on this recommendation is unknown.

**2018 UPDATE**

The recommendation was approved by the Commission on November 9, 2018. This recommendation requires collaboration between Office of the State Court Administrator (SCAO), Colorado Association of Pretrial Service Agencies (CAPS), & Chief Judges of judicial districts (and possibly statutory change).

**Description**

The following points are offered as basic implementation guidance for the selection, use, and administration of and training on pretrial risk assessment to all Colorado counties and jurisdictions in order to set bond and establish conditions of release for felony and misdemeanor level offenses:

- The Colorado Pretrial Assessment Tool (CPAT) shall be the recommended assessment tool; however, any jurisdiction may utilize an alternative assessment tool to improve pretrial decision making subject to the approval of the Chief Judge of the Judicial District.
- The State Court Administrator is responsible to compile an inventory of approved pretrial risk assessments available and authorized for use in Colorado.
- Any alternative tool approved by a Chief Judge must be empirically developed/validated and consistent with setting the type of bond and conditions of release; however, this does not prohibit a jurisdiction from utilizing additional assessment tools to advance pretrial decisions.
- Any individual authorized to administer pretrial risk assessment for the Court, shall receive introductory training.
- The Office of the State Court Administrator (SCAO) in consultation with the Colorado Association of Pretrial Service Agencies (CAPS) shall develop and provide standards for training and fidelity measurement of the Colorado Pretrial Assessment Tool (CPAT).

- If an alternative pretrial risk assessment tool is approved for use by the Chief Judge of a judicial district, the SCAO shall also review and approve any training protocol and plan to ensure measures are in place to measure assessor fidelity to the instrument.
- In order to preserve neutrality in the assessment process, prosecutors and criminal defense attorneys shall not be authorized to administer a pretrial risk assessment for purposes of setting bond and establishing conditions of release.

### **Agencies Responsible**

Office of the State Court Administrator (SCAO), Colorado Association of Pretrial Service Agencies (CAPS), & Chief Judges of judicial districts

### **Discussion**

Nationally accepted best practice recommends that all jurisdictions should use validated risk assessments to assist courts in making release or detention decisions.[Footnote: 1]

Risk assessment tools are now widely used in criminal justice, but many agencies struggle to implement the tools with fidelity. Training provides information on quality assurance processes necessary to ensure the instrument is accurately measuring client risk, including inter-rater agreement processes to ensure the risk assessment is scored consistently and correctly. Training also helps prepare agencies for future validation studies of their risk assessment instruments.

To ensure that risk assessment instruments are accurately measuring client risk, agencies must incorporate training and ongoing coaching and support to sustain scoring accuracy.

### **Footnotes**

[1] For example, see BJA: Public Safety Risk Assessment Clearinghouse ([psrac.bja.ojp.gov](http://psrac.bja.ojp.gov)) and NCSC: Pretrial Justice Center for Courts - Risk Assessment ([ncsc.org/Microsites/PJCC/Home/Topics/Risk-Assessment.aspx](http://ncsc.org/Microsites/PJCC/Home/Topics/Risk-Assessment.aspx)).