



## Colorado Commission on Criminal & Juvenile Justice

### **FY2020 RECOMMENDATION/FY20-PR01 Implement Pretrial Measurement and Data Requirements [Policy]**

**Status:** Implementation Unknown

#### **Actions/Updates**

##### **2023 UPDATE (JUNE)**

During the FY 2023 Legislative Session, Senate Bill 2023-158 to reauthorize the Colorado Commission on Criminal and Juvenile Justice (CCJJ) was postponed indefinitely on May 7, 2023. Therefore, with the sunset of the Commission, all activities of the CCJJ ceased on June 30, 2023.

No further monitoring of CCJJ recommendations will occur.

##### **2019 UPDATE**

This recommendation, approved by the Commission on November 8, 2019, is dependent on statutory changes proposed in FY20-PR #02 and is related to Recommendation FY20-PR #03.

##### **2019 NOTE**

This recommendation replaced a previous recommendation (See CCJJ Recommendation FY19-PR #08 (Encourage Best Practices for Pretrial Training and Data Collection [Policy])).

#### **Description**

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 FY20-PR#01: ADDENDUM available at the link to "Recommendation Text"). 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 Recommendation FY20-PR#02.].

#### **Agencies Responsible**

Colorado State Court Administrator Office, Courts, Jails, County Pretrial Services Programs, Colorado Division of Criminal Justice

#### **Discussion**

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:
  - o Crime rate, arrest and demographics;
  - o Initial bond period, including assessment, bond recommendations, bond ordered, and jail pretrial data;
  - o Jail pretrial population data and sentencing outcomes; and
  - o Supervision related outcomes.
- The statewide pretrial services data advisory group is recommended to use the Recommended Pretrial Services Data Elements (see the FY20-PR#01: ADDENDUM available at the link to "Recommendation Text") 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:
  - o 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.
  - o 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.
  - o 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 [Footnote #1]. 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:

- 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 standards<sup>1</sup> 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.

#### **Footnotes**

[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](http://nicic.gov/measuring-what-matters-outcome-and-performance-measures-pretrial-services-field)).