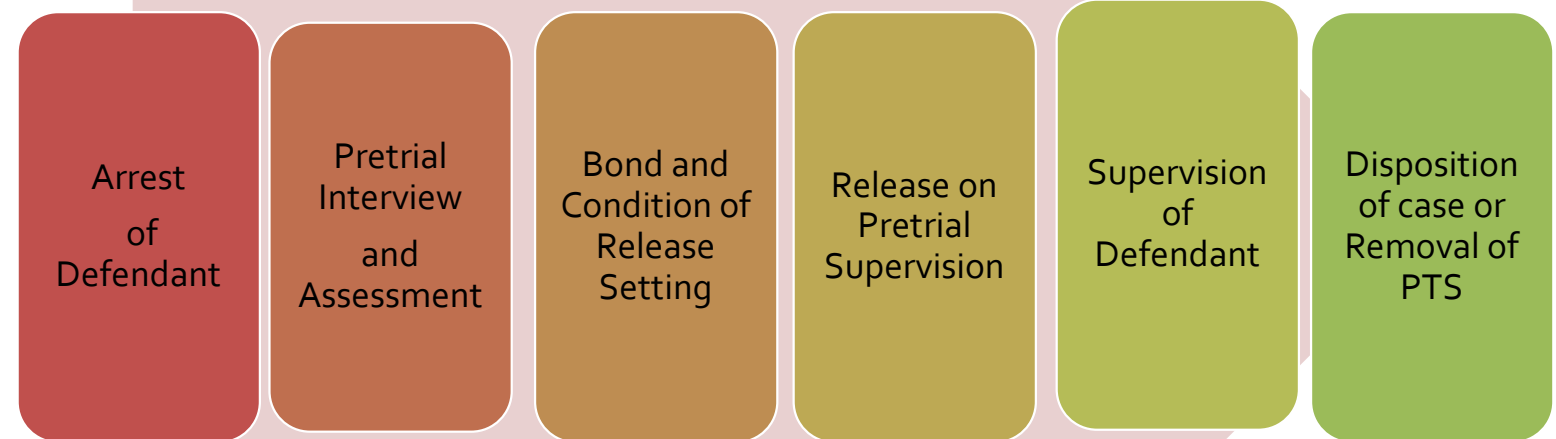


# Overview of Pretrial Services Programs/ Pretrial Risk Assessment in Colorado

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Presentation to the Colorado Commission on Criminal and Juvenile Justice  
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# Pretrial Services



## National Pretrial Reform

In 2011, U.S. Attorney General\* Eric Holder<sup>^</sup> called for the expansion of pretrial reform across the US.

Several national organizations have called for the advancement of pretrial system improvements

- American Bar Association
- National Association of Counties
- American Council of Chief Defenders
- Association of Prosecuting Attorney's
- American Jail Association
- American Probation and Parole Association
- National Sheriff's Association
- Conference of State Court Administrators
- Conference of Chief Justices (2013)
- International Association of Chiefs of Police

\* [wikipedia.org/wiki/United\\_States\\_Attorney\\_General](http://wikipedia.org/wiki/United_States_Attorney_General)

<sup>^</sup> [wikipedia.org/wiki/Eric\\_Holder](http://wikipedia.org/wiki/Eric_Holder)

# Colorado's bail statute calls for the development of pretrial programs

- 16-4-106
- (2) THE CHIEF JUDGE OF ANY JUDICIAL DISTRICT SHALL ENDEAVOR TO CONSULT, ON AN ANNUAL BASIS, WITH THE COUNTY OR COUNTIES WITHIN THE JUDICIAL DISTRICT IN AN EFFORT TO SUPPORT AND ENCOURAGE THE DEVELOPMENT BY THE COUNTY OR COUNTIES, TO THE EXTENT PRACTICABLE AND WITHIN AVAILABLE RESOURCES, OF PRETRIAL SERVICES PROGRAMS THAT SUPPORT THE WORK OF THE COURT AND EVIDENCE-BASED DECISION-MAKING IN DETERMINING THE TYPE OF BOND AND CONDITIONS OF RELEASE.

# Pretrial programs may be involved with the following duties

- Conducting interviews with defendants, as well as with other individuals affiliated with them, to find out information on the defendant's family life, education, employment, mental and physical health, substance use, financial status and other important information.
- Performing criminal background checks and review relevant records, such as employment, court, education, financial and military records.
- Preparing reports for court officials outlining recommendations for the type of bond and conditions of release
- Communicating with attorneys, law enforcement officers, courtroom personnel and other professionals.
- Supervising defendants released through in person meetings and phone conversations, drug/alcohol testing, and electronic monitoring.
- Providing reminders of court dates for defendants
- Helping the released defendants access physical or mental health, substance abuse, employment and other services they may require.

Pretrial programs exist in <25% of Colorado Counties.

Existing programs are generally located in the more populated counties.

- Adams
- Alamosa
- Arapahoe
- Boulder
- Broomfield
- Douglas
- Denver
- El Paso
- Jefferson
- Larimer
- Garfield
- Mesa
- Montezuma
- Pueblo
- Weld

\*\* There are additional counties in Colorado are providing elements of pretrial services through other criminal justice entities in the jurisdiction , but do no have stand along programs.

# Pretrial programs in Colorado vary in size and scope

- organizational structure
- number of staff/ budget
- services available
- span of services ( who is assessed/supervised)
- availability ( hours of operation)

# Pretrial Risk Assessment



# What is an empirically-derived pretrial risk assessment tool?

- An empirically-derived pretrial risk assessment tool is one that has been demonstrated through an empirical research study to accurately sort defendants into categories showing their likelihood of having a successful pretrial release—that is, they make all their court appearances and are not arrested on new charges.

# Why is it important to know a defendant's risk level?

A defendant's risk level should be used to guide two decisions:

- 1) the decision to release or detain pretrial
- 2) if released, the assignment of appropriate release conditions, such as pretrial supervision.

Recent research has shed new light on the importance of a accurately assessing risks in making these decisions

- low-risk defendants who were held in jail for just 2 to 3 days were 39% more likely to be arrested than those who were released on the first day
- low-risk defendants who were held in jail throughout the pretrial period were 27% more likely to recidivate within 12 months than low-risk defendants who were released pretrial

# What factors do these tools use?

- Current charge/Pending charges
- Previous convictions
- Previous FTA
- Violent conviction
- Residency
- Employment/student status
- Current/history of drug or alcohol abuse
- Working phone
- Age (current or at first arrest)
- Active warrant
- Mental health
- On probation/parole
- Previously incarcerated

# The Colorado Pretrial Assessment Tool (CPAT)

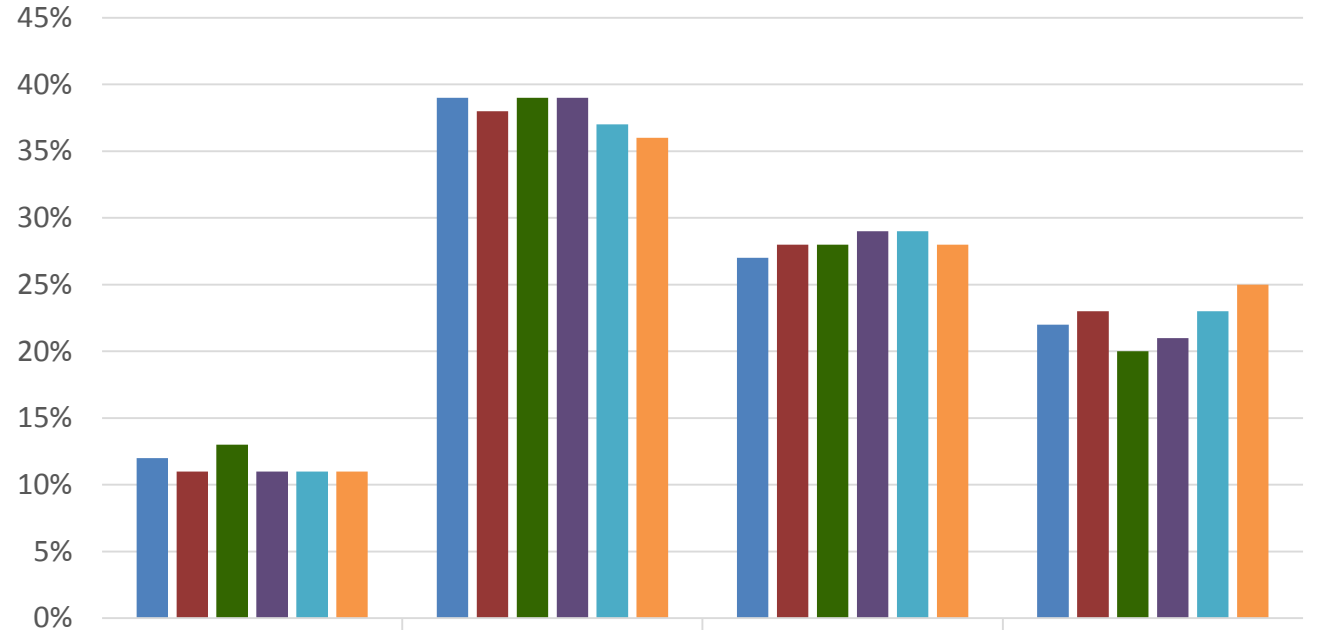
- First empirically-derived pretrial risk assessment tool in Colorado
- Developed using data from defendants in Denver and nine other CO counties
- 12-item instrument
- The items are the most accurate predictors of pretrial misconduct in CO
- Items are scored based on information obtained from:
  - Interview with the defendant
  - Databases (CO Judicial Branch; NCIC/CCIC)
- Total score ranges from 0 (lower risk) to 82 (higher risk)

# CPAT Items and Scoring

	<u>Item</u>	<u>Range</u>
1.	Having a Home or Cell Phone	0 to 5 points
2.	Owning or Renting One's Residence	0 to 4 points
3.	Contributing to Residential Payments	0 to 9 points
4.	Past or Current Problems with Alcohol	0 to 4 points
5.	Past or Current Mental Health Treatment	0 to 4 points
6.	Age at First Arrest	0 to 15 points
7.	Past Jail Sentence	0 to 4 points
8.	Past Prison Sentence	0 to 10 points
9.	Having Active Warrants	0 to 5 points
10.	Having Other Pending Cases	0 to 13 points
11.	Currently on Supervision	0 to 5 points
12.	History of Revoked Bond or Supervision	0 to 4 points
	<b>Total Range</b>	<b>0 to 82 points</b>

Distributions within CPAT risk categories have remained consistent over time.

Denver CPAT Assessment Information 2012-2017



	Cat 1	Cat 2	Cat 3	Cat 4
■ Denver 2012 (N=1,817)	12%	39%	27%	22%
■ Denver 2013 (N=8,035)	11%	38%	28%	23%
■ Denver 2014 (N= 8,170)	13%	39%	28%	20%
■ Denver 2015 (N=8,418)	11%	39%	29%	21%
■ Denver 2016 (N=10,376)	11%	37%	29%	23%
■ Denver 2017 (N=11,129)	11%	36%	28%	25%

# CPAT Validation Project

- Collaboration between the University of Northern Colorado and seven (7) Pretrial Services programs in Colorado – Boulder, Denver, Garfield, Larimer, Mesa, Pueblo and Weld



# Are there other Pretrial risk assessment tools?

- Yes, ....Examples:
  - Arapahoe/Douglas Counties locally developed tool
  - Virginia Pretrial Risk Assessment Tool
  - Alaska, Ohio
  - Federal System
  - Public Safety Assessment Tool (PSA)

# Highlights of Denver's Pretrial Program

Denver implemented actuarial risk assessment and the use of a risk informed pretrial supervision model in 2012.

## **2012**

Colorado Pretrial Assessment Tool (CPAT) Implemented

Ontario Domestic Abuse Risk Assessment (ODARA) Implemented

Risk Informed Supervision Matrix Established

## **2013**

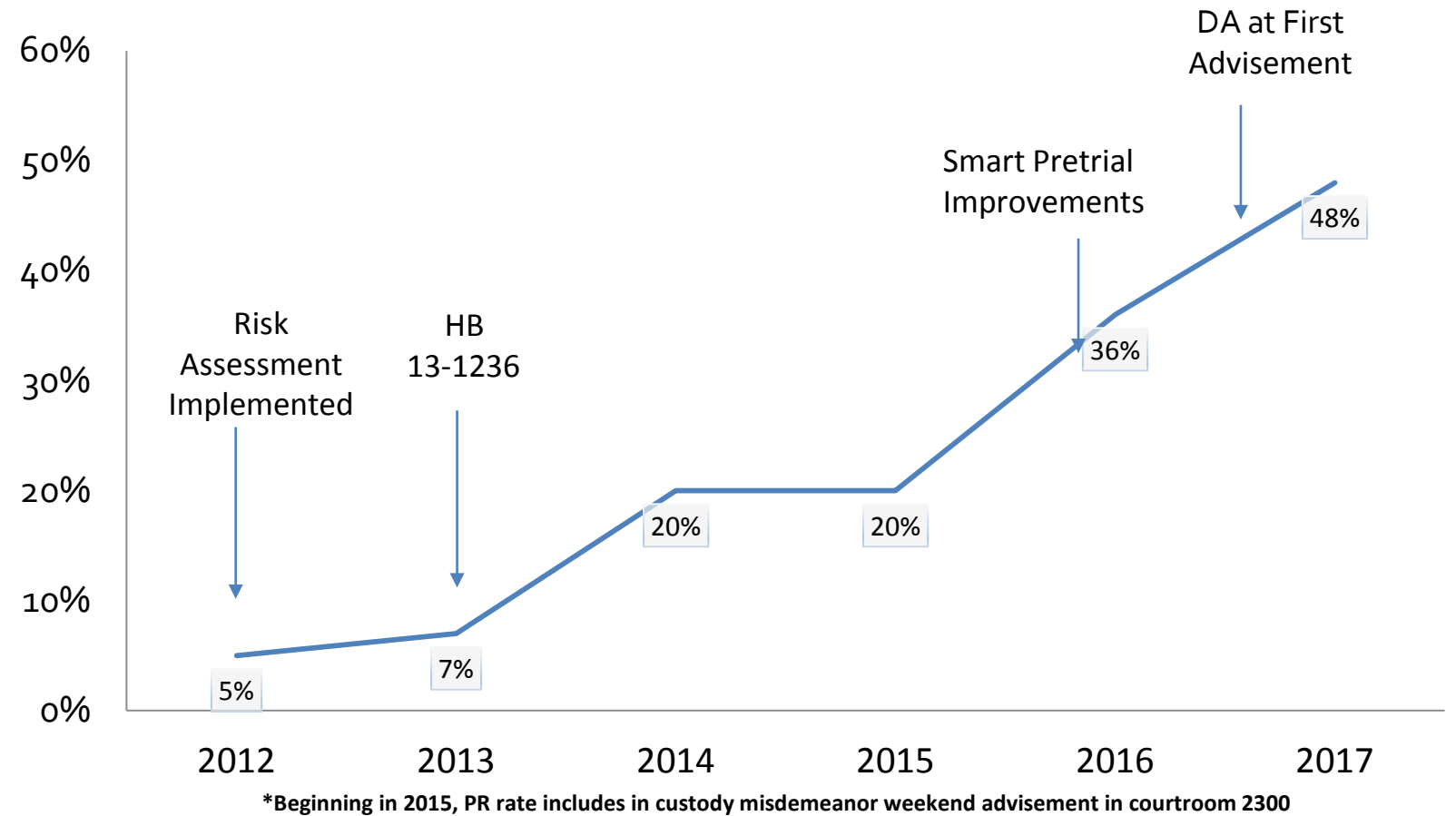
Revised Colorado Bail Statute

## **2014-2017**

Denver Smart Pretrial Demonstration Initiative

With continued collaboration and education on pretrial justice issues, Denver's non-monetary release types has steadily increased, reaching 58% in August of 2017.

## Percentage of Felony PR Bonds Granted 2012-2017



Denver Pretrial Services Investigation Unit completes a bond report on all assessed defendants, which includes a recommendation regarding pretrial supervision. The decision matrix was updated in 2016 and is part of the current Pretrial Judicial Order.

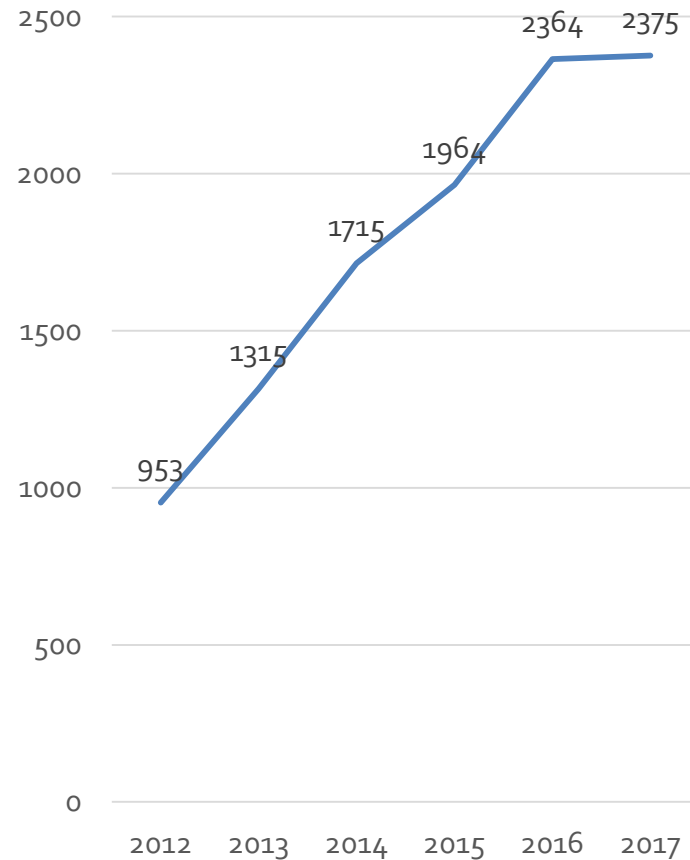
## Denver Pretrial Decision Making Framework-Misdemeanor and Felony Offenses

Primary Charge and CPAT Category Enhancers (move up one level of supervision)	•Non VRA Misdemeanors	•NonVRA Felonies	•VRA Misdemeanors	•Misdemeanor DV	•VRA Felony Crimes	•Felony Sex Offenses
	 <ul style="list-style-type: none"> <li>• Currently supervised on felony probation, parole, or pretrial supervision for any criminal offense</li> <li>• Two or more pending felony cases or misdemeanor assault cases within one year of current offense date</li> <li>• Offense Involves a knife or a firearm in current charge</li> <li>• High ODARA score (7+)</li> <li>• Felony Child Abuse or Felony Sex Assault on a Child</li> </ul>				•Indecent Exposure	•Felony DV  •DF1  •Burglary of a Dwelling
<b>Category 1</b> Score: 0 to 17 (87% Success) 91% Public Safety, 95% Court Appearance						
<b>Category 2</b> Score: 18 to 37 (71% Success) 80% Public Safety, 85% Court Appearance						
<b>Category 3</b> Score: 38 to 50 (58% Success) 69% Public Safety, 77% Court Appearance						
<b>Category 4</b> Score: 51 to 82 (33% Success) 58% Public Safety, 51% Court Appearance						

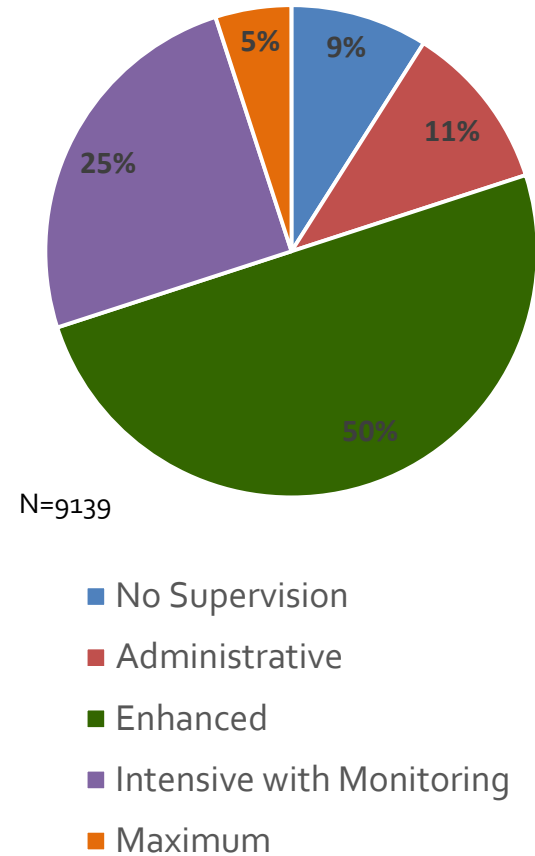
No Pretrial Services Supervision	Administrative (Adm)	Enhanced (Enh)	Intensive w/EM Monitoring (Int)	Maximum Supervision
Statutory Conditions Only	Court Reminder Calls Only	Court Reminder Calls	Court Reminder Calls	Court Reminder Calls
	Notification of New Arrest	Notification of new arrest	Notification of new arrest	Home Confinement
	Telephone check ins after court appearances	Check-in physically after court appearances	Check-in physically after court appearances	Electronic Monitoring/Surveillance
		Telephone check ins as needed	Alcohol/ GPS/ Home Monitoring*	Check-in physically after court appearances
			Curfew/Employment Leave Only*	
		Case Management meetings as needed	Case Management meetings 1 to 4x per month (30 days) Telephone Check Ins as needed	
		Substance Testing if ordered	Substance Testing if ordered	

As the emphasis on money based systems declines, the Denver pretrial supervised population has continued to increase.

**Denver County Pretrial Services Program supervised Average Daily Population (ADP)**

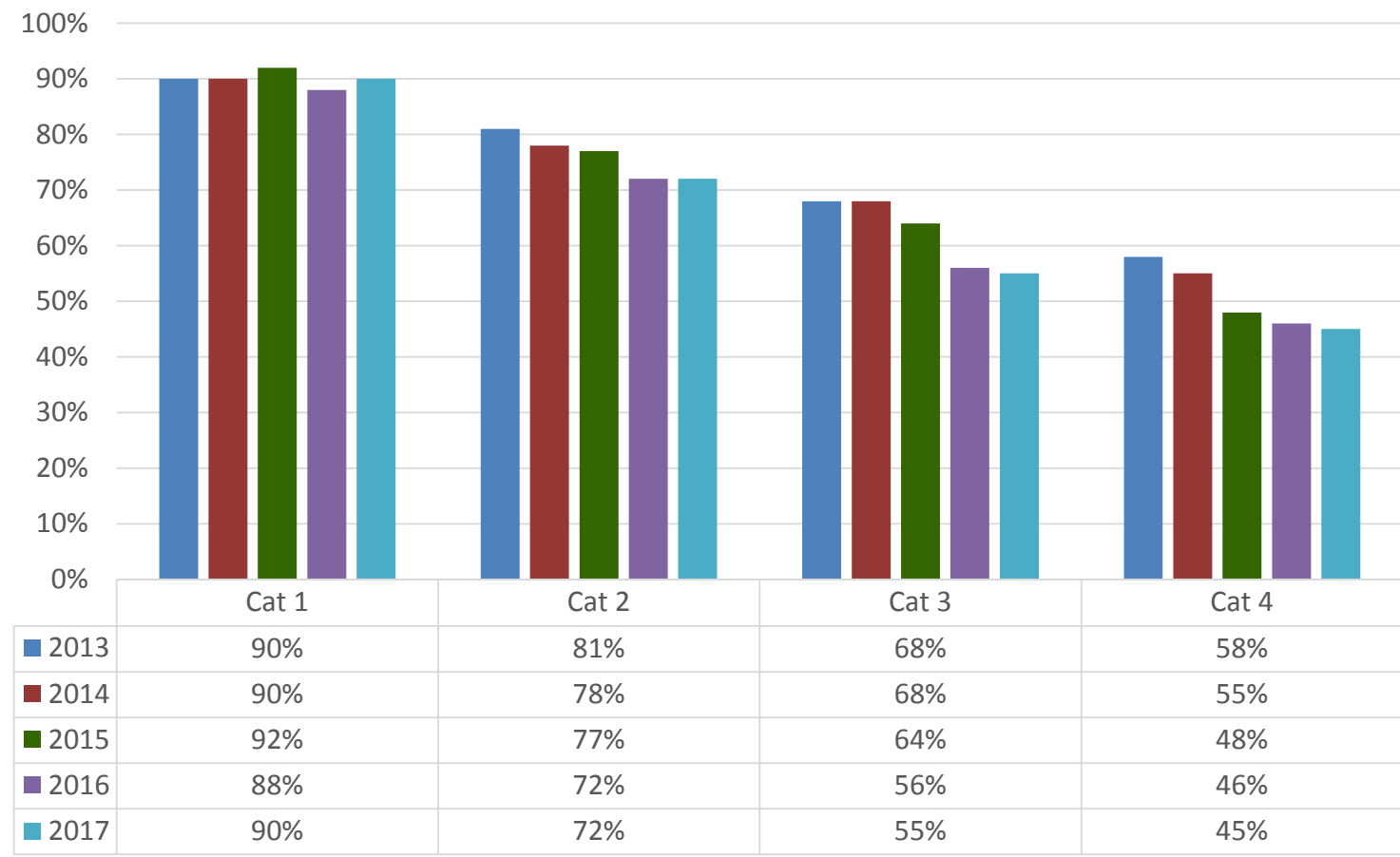


**Ordered Supervision Levels 2017**



Denver Pretrial supervision program success rates continue to correlate to pretrial CPAT risk scores

Denver Supervision Outcomes by CPAT Category  
2013- 2017



Thank you

- **Questions?**
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