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**DEVELOPMENT OF A RISK ASSESSMENT INSTRUMENT
TO BE USED IN BAIL RELEASE DECISIONS IN
MARICOPA COUNTY, ARIZONA**

The development of a comprehensive and valid instrument for the prediction of risk to be used for making appropriate release decisions on newly arrested defendants is a complex problem. Many studies have been conducted in an effort to develop instruments that assist in determining risk variables for post-adjudicated defendants. Yet, little has been done to incorporate the research conducted on the post-adjudicated population to test its validity in risk prediction on a pre-adjudicated population.

In Maricopa County, Arizona the Pretrial Services Agency is charged with interviewing all newly arrested defendants. Upon completion of the interview, Pretrial Services staff verify information self-reported by the defendant and complete a comprehensive criminal history records check. The Agency then completes a Bail Matrix Instrument which provides a broadrange base recommendation for the judicial officer. This information is then provided to the Initial Appearance Hearing Officer, who uses it to assist in making a

determination of an appropriate release decision. The current Bail Matrix has been in place for approximately 14 years with minor modifications made to it in 1991. In 1997, the Maricopa County Citizen's Advisory Committee on Jail Planning recommended that the Maricopa County Board of Supervisors fund a study to review the current guideline matrix used by the Pretrial Services Agency (PSA), "to determine whether the decision factors used still have predictive capability."¹ In 1999, the Pretrial Services Resources Center conducted a study on the Bail Matrix. The study concluded that the matrix was outdated and too heavily reliant on weighting offense factors. They recommended an instrument that was weighted on defendant behavioral factors with less weight given to offense related behavior. The Resource Center developed a prototype instrument, which was viewed as too lenient by the County Attorney and judicial officers in Maricopa County. The project was subsequently shelved and the original outdated instrument is still in use today. In addition, Maricopa County is facing a jail over-crowding crisis, to include the largest incarcerated pretrial population in the history of their county jail. This has a significant impact on the current budget crisis and pretrial release is an instrumental component in helping to address these fiscal concerns. The purpose of this project is to develop a bail classification instrument that can be used to assist judicial officers in predicting risk factors when releasing defendants during pre-adjudication proceedings. One objective is to determine whether risk factors determined in studies conducted on post-adjudicated

defendants have relevance on the pre-adjudicated population. This would mean the inclusion of measurements of dynamic factors that deal with offender behavior. Furthermore, this would mean the development of an instrument that weighs social behavior more heavily than offense behavior. Another objective of the project is to determine if Maricopa County has certain jurisdictional factors that should be used for weighting in a release instrument. The final objective would be to develop an instrument that could be tested in other jurisdictions for predictive value in determining release conditions. Trial courts in other states would then be able to use this research paper as a reference tool in the development of a bail instrument for their respective jurisdictions.

Various methods were used to complete this project. A comprehensive study was conducted of the literature pertaining to risk/needs classification studies conducted on post-adjudicated populations. It was learned through these studies that a series of generational instruments had evolved. The most current assessments relying on those instruments containing both static (risk factors that cannot be changed over time, e.g., age at first arrest) and dynamic (risk factors that can be changed over time, e.g., education level) factors as having the most reliable predictive capability. Professionals supervising and monitoring post-adjudicated defendants have a wide variety of tools at their disposal to assist in assessing a defendant's risk while under supervision.

In 1999, a study was conducted by the Pretrial Services Resource Center which highlighted risk areas particular to the Maricopa County pre-adjudicated

population that were relevant to a defendant's risk of failing to appear and of re-offending while on release.

A new release instrument was devised for testing in Maricopa County for the purpose of this project. This instrument was sent for review to various pretrial professionals for input. Utilizing these collective recommendations a final instrument was developed.

The Pretrial Services Resource Center conducts a comprehensive evaluation of incarcerated defendants every two years. This study consists of a sample of 836 cases. Numerous variables of data are collected in an effort for the Center to evaluate the national and jurisdictional complexion of the arrested population. A copy of the data collected from the 1996 study was obtained and a random sample of 155 cases from that study was chosen for the purposes of this project. The case files were then ordered on all of those cases and the new instrument was scored from the data contained in each of those case files. A final sample of 123 cases was used as the basis for the findings of this study. This paper outlines the findings of using a bail instrument that includes behavioral factors for ranking in addition to offense behavior. Attachments to this paper include relevant instruments and reports used to determine risk factors on pre- and post-adjudicated defendants.

When courts consider developing new instruments to help determine release conditions in their jurisdictions, they need to examine ways to implement an instrument that will provide the most predictive value, which is also easy to administer. They also need to understand that this instrument needs to be re-

evaluated at varying intervals to continually monitor its success at predictability. A mechanism to capture, retain and view data needs to be in place for the successful implementation of this project. Consequently, this paper outlines methods currently used by some jurisdictions to capture this data. It is hoped that the inclusion of this data will be helpful to other jurisdictions that are interested in implementing a similar study.

This [research paper](#) is available in its entirety in portable document format. To access, you must first obtain and install the Adobe Acrobat Reader



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