



Data Supporting Pretrial Justice Reforms

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The Need for Data

Data-driven decision making is central to criminal justice system reform.¹ Knowing what data is needed to support successful pretrial reform, if and where the data exists, and how to collect it can be challenging for court leaders and their allies engaged in pretrial justice initiatives. The 2015 report by Utah's special committee examining pretrial release practices in Utah's courts makes the point: "A significant obstacle affecting Utah's ability to enact reforms in this area is a lack of data. The collection and retention of pretrial release and supervision data in the state is unfortunately inconsistent and incomplete."²

The various stages and objectives of pretrial reform efforts require different types of data.³ For example, champions of reform need criminal justice system data to identify where and what types of changes are needed, build collaborations, and garner political and fiscal support for change.⁴ Implementing an evidence-based pretrial risk assessment tool, on the other hand, requires data about defendants that has been found to be predictive of pretrial success—i.e., making court appearances and not committing any new offenses while on pretrial release.⁵ Another component of pretrial reform—measuring the validity of a jurisdiction's pretrial risk assessment tool and the effectiveness of pretrial release decision making—calls for programmatic data as well as data on defendants' behavior during the pretrial

period.⁶ The table at the end of this brief provides examples of the data needed for these three components of pretrial justice reform and program management.⁷

The sources of data vary by the type of data and by the capabilities and content of state and county records management systems. For example, jail population data most typically is available directly from the jail. Yet in New Jersey, data on jail populations in 19 of the state's 21 counties is available from the Administrative Office of the Courts because it maintains the County Corrections Information System (CCIS).⁸ Data needed for pretrial risk assessment can come from a wide range of sources, including criminal history records, court and pretrial services case management systems, charging documents, defendant interviews, and other sources that inform pretrial release decision making. In developing strategies for identifying, collecting, analyzing and reporting data, stakeholders should consider several critical factors about the data. These factors include standardized data definitions, availability, accuracy, completeness, consistency, timeliness, integrity, security, and relevance to the proposed use.⁹

Criminal Justice System Mapping and Analysis

Pretrial justice reform efforts typically begin with an analysis of who is in the jurisdiction's jails, for what reasons and for how long. This inquiry includes who is released pretrial and

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under what conditions. The examples of data used for justice system mapping in the table at the end of this brief reflect this level of assessment. A broader analysis would include other decision points in the pretrial process, such as law enforcement encounters (e.g., citation/summons, non-custodial arrest, custodial arrest), prosecutorial decisions (e.g., number of cases declined, accepted, and diverted), assignment of counsel (e.g., public defender, court-appointed, private), and court case processing statistics.¹⁰

Evidence-Based Pretrial Risk Assessment

The risk principle for pretrial justice looks at the likelihood that a defendant will appear for court proceedings related to his or her case or commit a new crime while on pretrial release.¹¹ Evidence-based risk assessment tools designed to be predictive of these behaviors have been implemented in the Federal courts and in numerous state and local jurisdictions across the country.¹² These tools use various combinations of static factors related to previous justice system involvement (e.g., prior offenses and failures to appear) and dynamic factors related to the defendant's individual circumstances, which are subject to change during the pretrial period (e.g., mental health, employment). The Public Safety Assessment, developed, validated and disseminated by the Arnold Foundation, uses static data retrieved from existing law enforcement, court and pretrial services records (e.g., current offense, pending charge at time of arrest, prior misdemeanor and felony convictions).¹³ However, most pretrial risk assessment tools use both static data and dynamic factors that require information obtained from the defendant and other sources.¹⁴ For example, the Colorado Pretrial Assessment Tool (CPAT)

includes having a phone, owning one's residence, and self-report of past or current problems with alcohol.¹⁵ The table at the end of this brief includes examples of commonly used data in existing records as well as information obtained from the defendant and other sources.

Pretrial Performance Measurement

Systematic collection, analysis, and sharing of outcome data among stakeholders are essential to evaluating the effectiveness of pretrial reform efforts and making changes as needed.¹⁶ Performance data also are important for bolstering the confidence of judges and other stakeholders in the validity of a risk assessment tool for accurately categorizing defendants by risk level and showing effectiveness in increasing court appearance and public safety rates. Many established pretrial programs have developed advanced case management systems for use in conducting risk assessment and monitoring effectiveness.¹⁷ However, jurisdictions without the resources to build such a system can begin with a relatively simple spreadsheet to capture, analyze and report pretrial performance data. For example, when Mesa County, Colorado implemented the CPAT in 2012, it set up a relatively simple database in Excel using customized spreadsheets.¹⁸

Examples of Data Supporting Pretrial Reform

The table below presents examples of data used to inform and evaluate past and current pretrial reform efforts. They are drawn from publications cited in this brief and are offered as a starting point for consideration by court leaders and their partners engaged in pretrial justice reform.

Examples of Data Used to Guide and Evaluate Pretrial Reform Efforts	
Reform Effort	Data Needed
Criminal justice system mapping and analysis	Jail population data
	Legal status (e.g., pretrial, convicted/unsentenced/sentenced locally/state sentenced, probation/parole violation, warrant, ICE detainee, civil)
	Custody status (e.g., confined, home detention, electronic monitoring, treatment program, work release)
	Bail/bond status (e.g., remand/revoked, unable to pay required amount for release)
	Crime category (e.g., violent, property, drug, other)
	Demographics (e.g., gender, age, race/ethnicity)
	Length of stay (average and median number of days)
	Release rates by type of release (e.g., ROR, non-financial conditions (supervision), bail/bond unsecured, bail/bond commercial surety)
	Costs per day of incarceration
Conducting pretrial risk assessment with an evidence-based tool	Data obtained from existing records
	Age at current arrest
	Age at first arrest
	Current offense
	Pending charge at time of arrest
	Pending warrant(s) at time of arrest
	Prior misdemeanor/felony conviction
	Prior violent conviction
	Prior failure to appear (past 2 years/older)
	Prior revoked bond or supervision
	Prior sentence to incarceration
	On probation/parole/supervision
	Data obtained from defendant/other sources
	Employment/student
	Source of income if not employed
	Working phone
	Residency (length, ownership, contribute to payment)
Past or current problems with alcohol/drugs	
Past or current mental health treatment	
Monitoring outcomes from release decisions and revalidation of risk assessment tool	Release rates by risk level
	Release rates by type of release (e.g., ROR, non-financial conditions (supervision), bail/bond unsecured, bail/bond commercial surety)
	Appearance rates by risk level
	Public safety rates by risk level (number of rearrests and severity of crime)
	Length of stay in pretrial detention
	Average length of pretrial release

Endnotes

¹ See *21st Judicial District Pretrial Policies and Bond Guidelines* (Mesa County, CO) (2015).

<http://www.mesacourt.org/PDF/bond.pdf>.

² See *Report to the Utah Judicial Council on Pretrial Release and Supervision Practices* (November 23, 2015) <https://www.utcourts.gov/resources/reports/docs/Pretrial%20Release%20and%20Supervision%20Practices%20Final%20Report.pdf>.

³ See *Pretrial Services Program Implementation: A Starter Kit*. Pretrial Justice Institute (2010)

<http://www.pretrial.org/wpfb-file/pretrial-services-starter-kit-pji-2010-pdf/>.

⁴ See *Ten Steps to System Change: Sustaining new ways of doing business takes a close look in the mirror*.

<http://www.safetyandjusticechallenge.org/resource/ten-steps-to-system-change/>.

See also *Measuring What Matters; Outcome and Performance Measures for the Pretrial Services Field*. National Institute of Corrections. August 2011.

<https://s3.amazonaws.com/static.nicic.gov/Library/025172.pdf>.

⁵ See *Developing a National Model for Pretrial Risk Assessment*. http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary_PSA-Court_4_1.pdf.

⁶ See *Federal Probation: A Journal of Correctional Philosophy and Practice*. September 2012. *Revalidation of the Federal Pretrial Services Risk Assessment (PTRA)*. http://www.uscourts.gov/sites/default/files/fed_probation_sept_2012.pdf.

⁷ Although pretrial supervision is a key function of a pretrial services agency, this brief does not address data needed to measure supervision outcomes or the effectiveness of release conditions because there is little evidence about the effectiveness of most release conditions or experience to suggest data to collect. See *State of the Science of Pretrial Release Recommendations and Supervision*. VanNostrand, Rose, and Weibrecht. Crime and Justice Institute. (June 2011).

[http://www.pretrial.org/download/research/PJI%20State%20of%20the%20Science%20Pretrial%20Recommendations%20and%20Supervision%20\(2011\).pdf](http://www.pretrial.org/download/research/PJI%20State%20of%20the%20Science%20Pretrial%20Recommendations%20and%20Supervision%20(2011).pdf).

⁸ See *New Jersey Jail Population Analysis: Identifying Opportunities to Safely and Responsibly Reduce the Jail Population* (2013).

http://www.drugpolicy.org/sites/default/files/New_Jersey_Jail_Population_Analysis_March_2013.pdf.

⁹ See *Using Technology to Improve Pretrial Decision-Making*, JTC Resource Bulletin. 2016. Joint Technology Committee.

<http://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/IT%20in%20Pretrial%203-25-2016%20FINAL.ashx>.

¹⁰ See *County Elected Officials Guide to Criminal Justice System Decision Making*. Justice Management Institute, National Association of Counties, and Pretrial Justice Institute September 2016.

http://www.naco.org/sites/default/files/documents/County%20Elected%20Officials%20Guide%20to%20Criminal%20Justice%20Decision%20Making_FINAL.pdf.

The 20 jurisdictions participating the MacArthur Safety and Justice Challenge Network have been collecting data across these decision points, and a New Jersey study of jail populations examined this broader set of stakeholder agencies. See also note 8.

¹¹ See *Pretrial Risk Assessment: Science Provides Guidance On Assessing Defendants*. Issue Brief May 2015. Pretrial Justice Institute.

[http://www.pretrial.org/download/advocacy/Issue%20Brief-Pretrial%20Risk%20Assessment%20\(May%202015\).pdf](http://www.pretrial.org/download/advocacy/Issue%20Brief-Pretrial%20Risk%20Assessment%20(May%202015).pdf).

¹² Id. See also *Risk Assessment: Pretrial Justice Center for Courts* for information about five risk assessment instruments.

<http://www.ncsc.org/Microsites/PJCC/Home/Topics/Risk-Assessment.aspx>.

¹³ See *Public Safety Assessment: Risk Factors and Formula*. <http://www.arnoldfoundation.org/wp-content/uploads/PSA-Risk-Factors-and-Formula.pdf>.

¹⁴ See note 11.

¹⁵ See *The Colorado Pretrial Assessment Tool (CPAT)*.

<https://www.pretrial.org/download/risk-assessment/CO%20Pretrial%20Assessment%20Tool%20Report%20Rev%20-%20PJI%202012.pdf>.

¹⁶ See *Creating an Effective Pretrial Program: A Toolkit for Practitioners*. Kristy Pierce-Danford and Meghan Guevara. Crime and Justice Institute (2013).

<http://www.pretrial.org/download/advocacy/Creating-an-Effective-Pretrial-Program-CJI-2013.pdf>.

¹⁷ See *Pretrial Release Information Management (PRIM)*, in *Kentucky Pretrial Services: A Virtual Tour* <http://icmelearning.com/ky/pretrial/KY-Pretrial-VirtualTour/>.

¹⁸ See *Pretrial Performance Measurement: A Colorado Example of Going from the Ideal to Everyday Practice* Michael R. Jones Pretrial Justice Institute. Washington, D.C. May 2013. <http://www.pretrial.org/download/pji-reports/Pretrial%20Performance%20Measurement%20-%20Jones%202013.pdf>. See also note 1.

