

**Pretrial Assessments: How Data and Science Can Help Inform the Front End of the System**

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## Learning Objectives

- Recognize assessments in the pretrial stage.
- Learn about what other systems have done with pretrial assessments.
- Identify the future of needs and services for pretrial assessments.
- Explain how pretrial assessments can be used in your jurisdiction.

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# Car Insurance



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"A TRIUMPHANT FILM!"  
- REX REED, NEW YORK OBSERVER

"EXTRAORDINARY!"  
- JOE NEUMAIER, NEW YORK DAILY NEWS

**BRAD PITT**  
**MONEYBALL**  
JONAH HILL PHILIP SEYMOUR HOFFMAN  
BASED ON A TRUE STORY

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# Pretrial Assessments

**David Hampton**  
Clinical Judgment vs. PCRA Use

■ Clinical Judgment

53%

**David Hampton**  
Clinical Judgment vs. PCRA Use

■ Clinical Judgment ■ PCRA

91%

Research reviews repeatedly showed that actuarial instruments **performed better** than clinical or professional judgement when making predictions of human behavior.

The Commission found a consensus in the available literature that the use of actuarial risk assessment instruments in justice, business, social science, and medical settings **predicted outcomes better** than professional judgment alone.

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Low

Illinois Supreme Court Commission on Pretrial Practices  
[Final Report](#)  
April 2020



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# Pretrial Assessments

Illinois Supreme Court Commission on Pretrial Practices - 2020

- **Lacking standardized metrics**, risk categorization may result in inconsistent, disparate, and potentially arbitrary recommendations.
- Assessment instruments also **increase** decision making standardization and transparency, enhancing the public's confidence in how decisions are made and their outcomes.
- The legitimacy of a criminal justice system is **enhanced** when stakeholders make consistent, reliable and accurate decisions, using unbiased and proven factors.




<https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/227a0374-1199-4125-816a-f63cdf61476e/Illinois%20Supreme%20Court%20Commission%20on%20Pretrial%20Practices%20Final%20Report%20April%202020.pdf>

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# Pretrial Assessments

Actuarial pretrial assessments— Estimate the **likelihood** that people will appear in court and remain arrest-free while on pretrial release.

- There are over **two dozen** fourth generation pretrial assessment instruments.
- They are developed using **large data sets** about people who previously came into contact with the criminal legal system.
- They identify **factors** that correlate with lower likelihood of pretrial success (age, pending cases, current offense, criminal history convictions, past FTA's, etc).
- Measure:
  - ✓ Likelihood of appearing in court; and
  - ✓ Likelihood of not engaging in new criminal activity;
  - ✓ Likelihood of not committing a violent offense.



<https://advancingpretrial.org/improving-pretrial-justice/implement-pretrial-improvements/use-a-validated-pretrial-assessment/>

<https://courtsaudio.blob.core.windows.net/antilles-resources/resources/227a0374-1909-4a7b-83e3-c63cdf61476e/illinois%20Supreme%20Court%20Commission%20on%20Pretrial%20Practices%20Final%20Report%20-%20April%202020.pdf>

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# PRETRIAL ASSESSMENTS

## How Pretrial Assessments Work

- Using statistics, the assessment gives decision makers information about how people **with similar profiles** to the person in front of them performed on pretrial release.
- This can help decision makers match appropriate release conditions (if any) and support services to promote **pretrial success**.
- Assessment tools **alone** should never dictate the outcome or be the sole criterion to determine whether someone is released before trial.
- Eligibility for detention is **governed** by criteria and standards set forth in state and federal law.



<https://advancingpretrial.org/improving-pretrial-justice/implement-pretrial-improvements/use-a-validated-pretrial-assessment/>

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# Pretrial Assessments

Failure to Appear (FTA) Scaled Score	New Criminal Activity (NCA) Scaled Score					
	1 91% Likely Arrest-Free	2 85% Likely Arrest-Free	3 78% Likely Arrest-Free	4 68% Likely Arrest-Free	5 55% Likely Arrest-Free	6 47% Likely Arrest-Free
1 89% Likely to Appear	Level 1	Level 1				
2 85% Likely to Appear	Level 1	Level 1	Level 1	Level 2	Level 3	
3 81% Likely to Appear		Level 1	Level 2	Level 2	Level 3	Level 4
4 73% Likely to Appear		Level 2	Level 2	Level 2	Level 3	Level 4
5 69% Likely to Appear		Level 3	Level 3	Level 3	Level 4	Level 4
6 65% Likely to Appear				Level 4	Level 4	Level 4



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# Pretrial Assessments

**PSA Score**

FAILURE TO APPEAR: 1 2 3 4 5 6

NEW CRIMINAL ACTIVITY: 1 2 3 4 5 6

NEW VIOLENT CRIMINAL ACTIVITY FLAG: NO

**Presumptive Release Levels**

Based on the Release Conditions Matrix, the defendant's Presumptive Release Level is:

Release Level 1

**Current Charges**

Offense	Arrest Date	Disposition Date	Disposition
459 PC - BUNGLIARY (Felony)	5/18/2021		Pending
220 PC - MAYHEM (Felony)	5/18/2021		Pending

**Assessment Responses**

Court Event: 1

PSA Factors:

- 1. Age at current arrest: 23 or older
- 2. Current violent offense: No
- 2a. Current violent offense and 20 years old or younger: No
- 3. Pending charge at the time of the offense: No
- 4. Prior misdemeanor conviction: Yes
- 5. Prior felony conviction: Yes
- 5a. Prior conviction: Yes
- 6. Prior violent conviction: None
- 7. Prior failure to appear pretrial in past 2 years: None
- 8. Prior failure to appear pretrial older than 2 years: No
- 9. Prior sentence to incarceration: No



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# Pretrial Assessments

“Results of a validated pretrial risk assessment instrument, which is approved by the Supreme Court, **shall be** one of the factors considered during the pretrial release decision-making process.

The use of a pretrial risk assessment instrument **does not** restrict the judge from considering all other statutory factors, but adds information the judge shall use in the exercise of the judge’s adjudicatory duties.”



<https://icourtsaudio.blob.core.windows.net/antilles-resources/resources/227a0374-1907-426c-8331-c63cdf61476a/Illinois%20Supreme%20Court%20Commission%20on%20Pretrial%20Practices%20Final%20Report%20April%202020.pdf>



Illinois Supreme Court Commission on Pretrial Practices  
Final Report  
April 2020

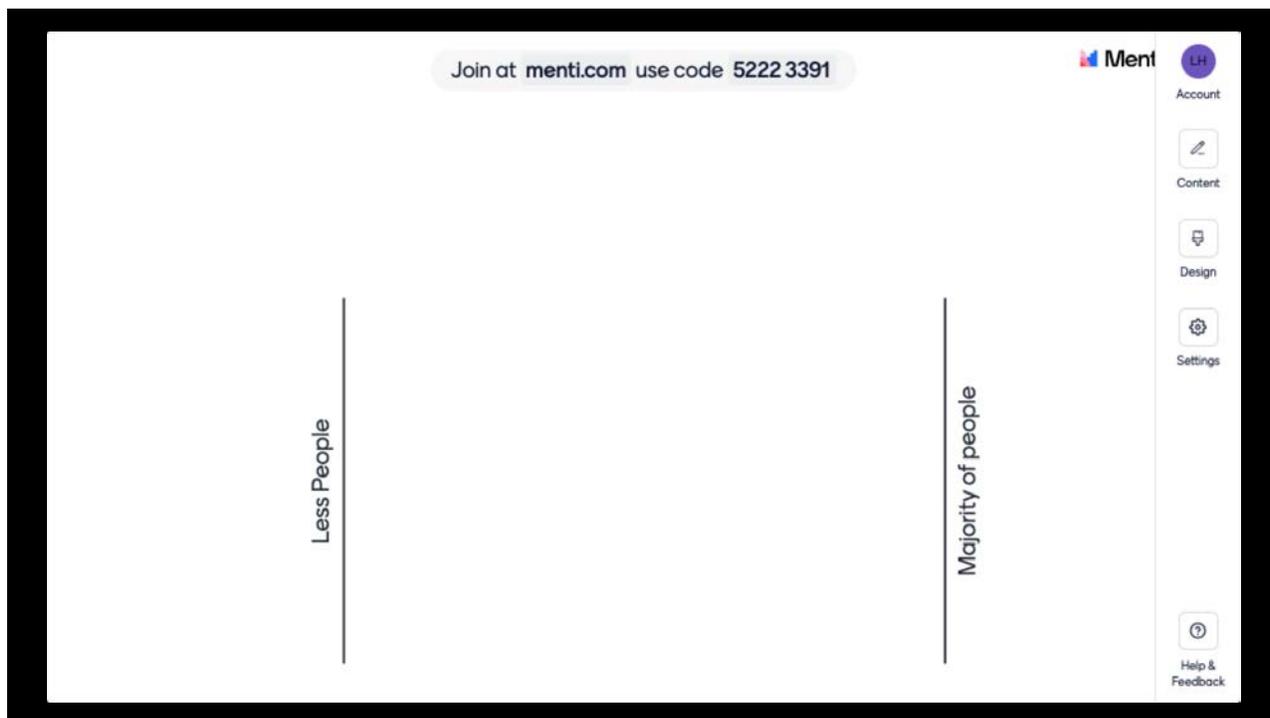


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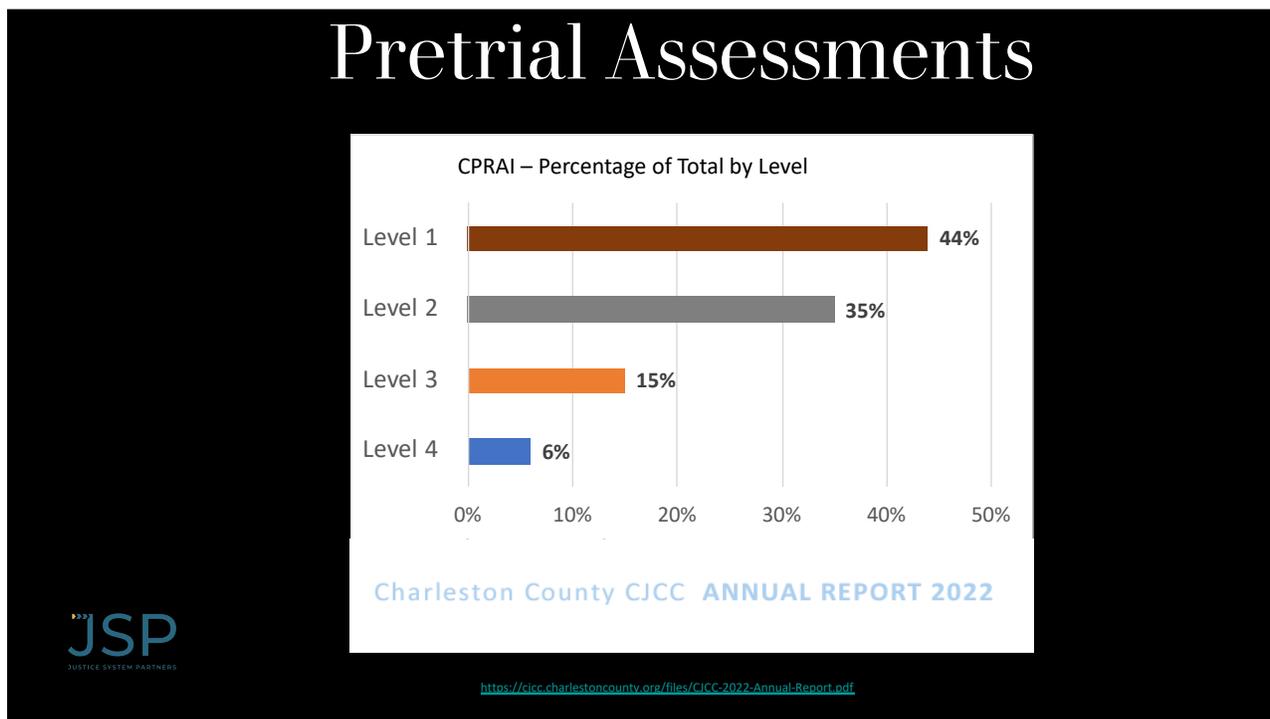
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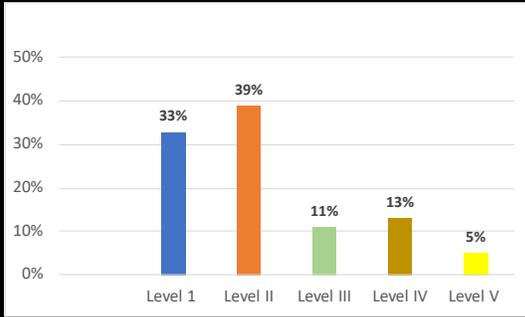
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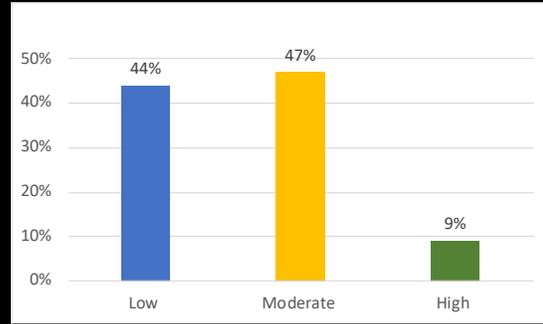
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# Pretrial Assessments

Harris County (Houston, TX)  
% Volume in each level



Kentucky  
% Volume in each level



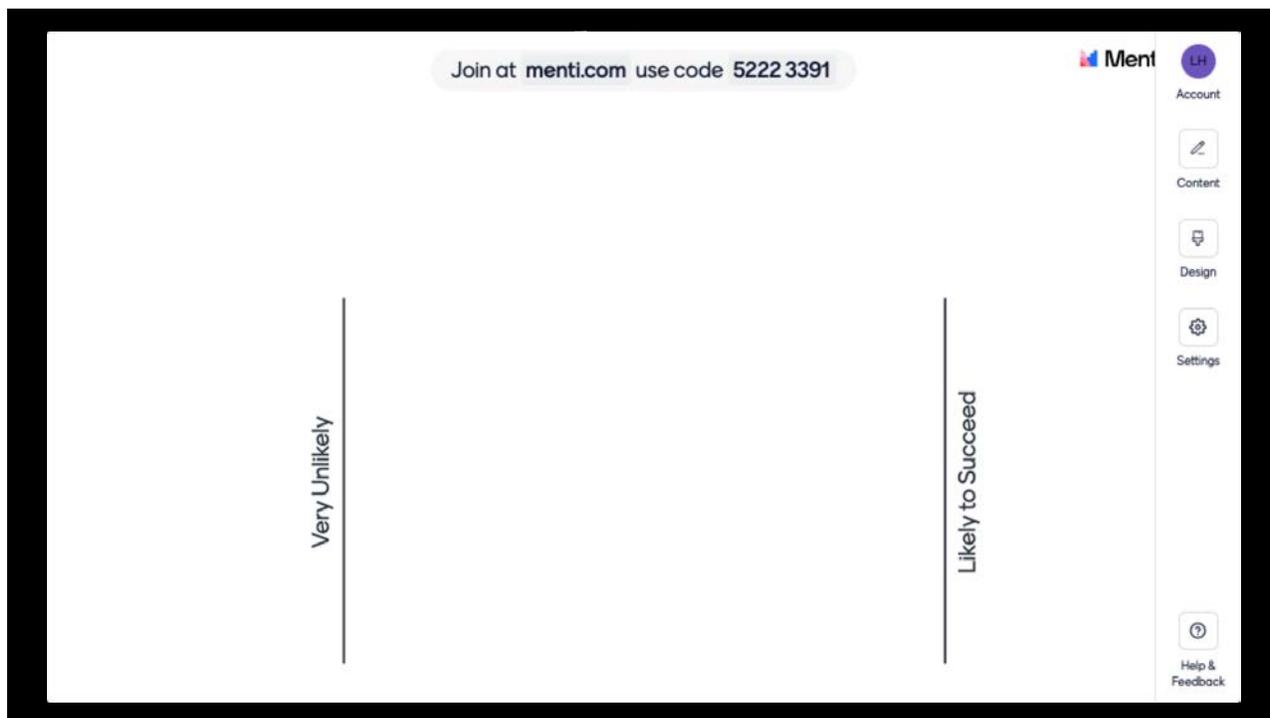
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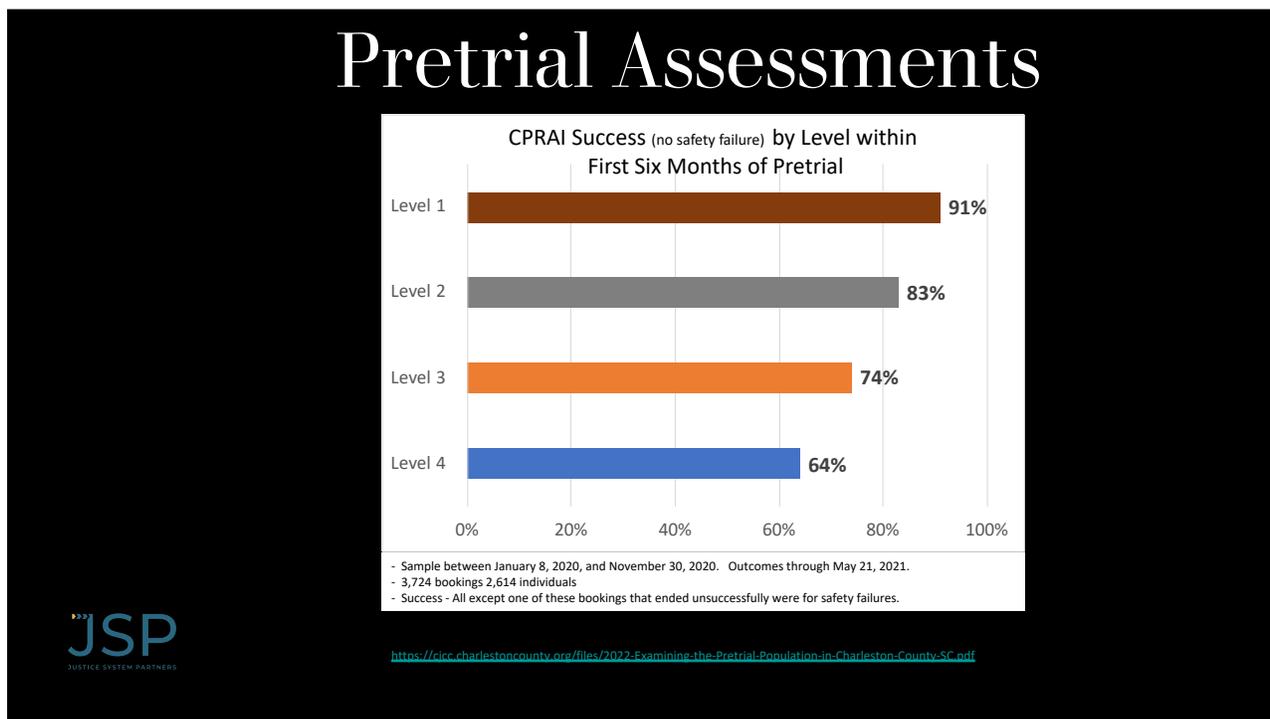
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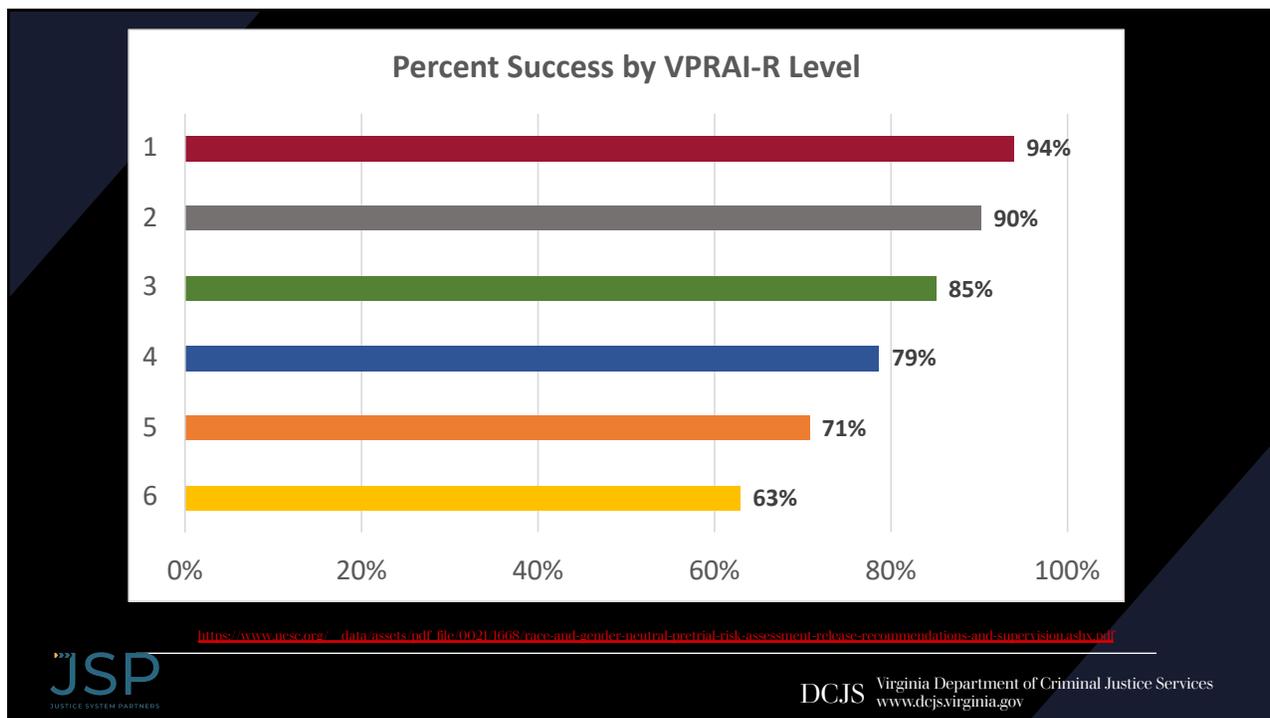
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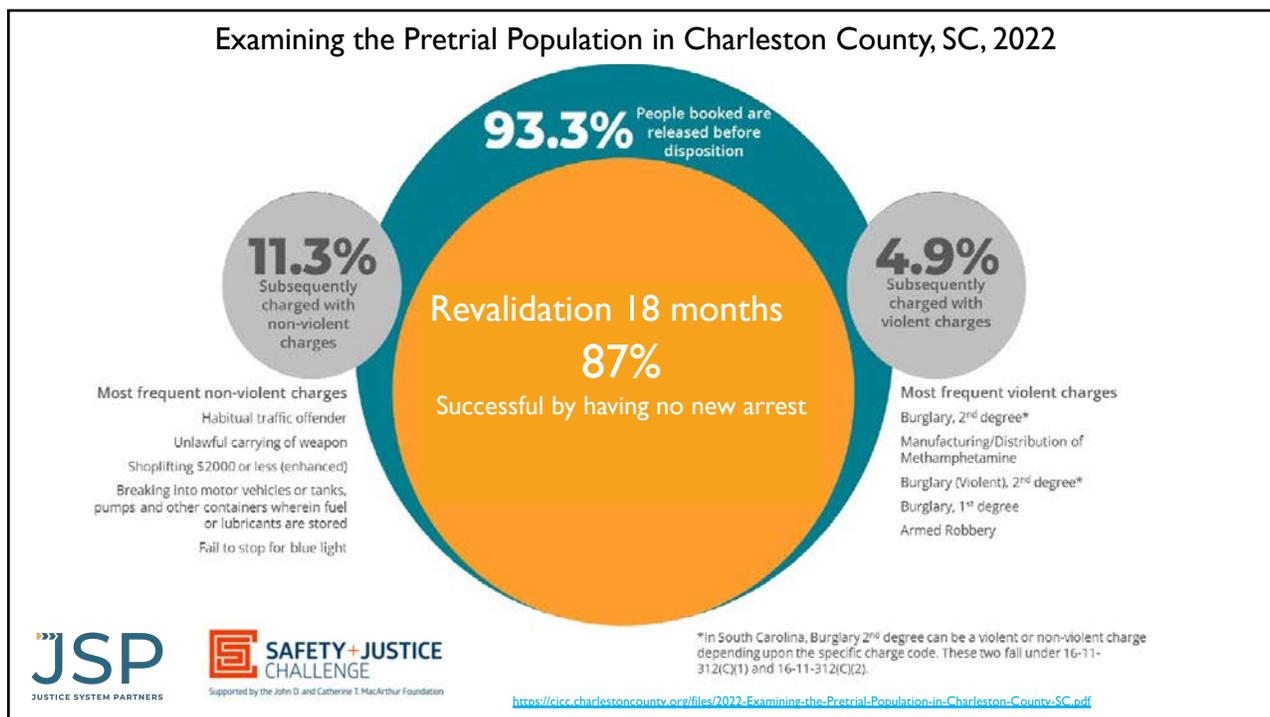
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# Pretrial Assessments

Charleston County  
Criminal Justice Coordinating Council

**FY 21-23 Strategic Plan Initiatives**  
*Focusing on Fairness & Reentry*

Steps to ensure fair, just, meaningful bond hearing: observations and dashboards

Development of a proposal for better pretrial options

2-1-1  
connected. Get Help.  
Way's 211 / CC211.ORG  
Information access about services among justice-involved populations

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<https://cicc.charlestoncounty.org/files/INFOGRAPHIC-FY-21-23-Strategic-Plan-Initiatives.pdf>

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# Pretrial Supervision Support Model

**Pretrial Supervision Support Model**

Incorporating Services and Support into Pretrial Supervision:  
Is There a Best Model?

**Principles**

- A goal to promote successful pretrial outcomes (future court appearance and arrest-free behavior).
- Conditions individualized to each person's assessed risk level and identified risk factors.
- The least restrictive conditions needed to promote court appearance and public safety.
- No requirements that are punitive, based on an individual's financial resources, or aimed at rehabilitation.

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NIC  
National Institute of Corrections

<https://nicic.gov/resources/nic-library/all-library-items/incorporating-services-and-support-pretrial-supervision>

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