



COUNTY OF ORANGE

PRETRIAL RISK ASSESSMENT PAPER PILOT STUDY¹ RESULTS SUMMARY

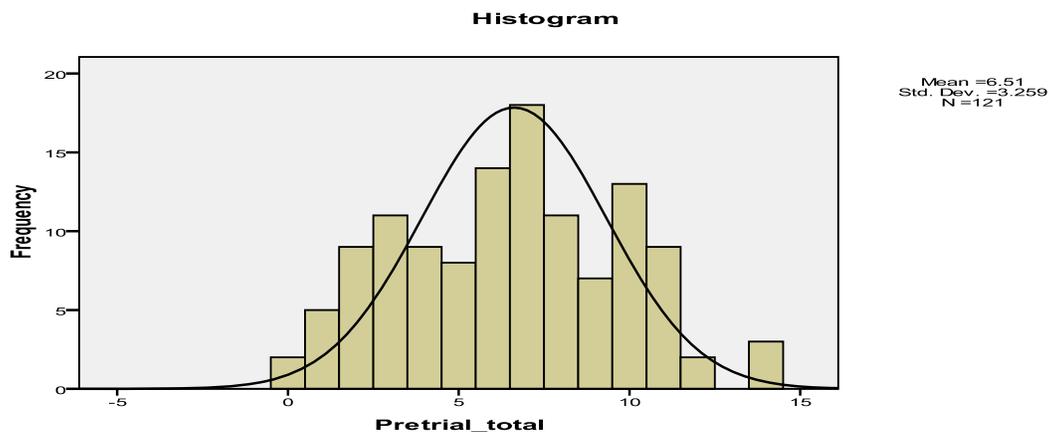
(Pretrial Supervision 9.24.09 Meeting)

OBJECTIVE

To conduct a formal risk assessment of a small convenience sample of historical felony pretrial detention cases to determine if a potential population of eligible supervised pretrial release defendants could be identified.

STUDY OVERVIEW

- A pretrial risk assessment instrument was drafted based on two existing validated instruments from Ohio and Virginia. (Validation based on risk for "FTA" and "new offenses" related to pretrial release time period. Other instruments reviewed include not yet validated tools from San Mateo CA, Multnomah OR, Monroe NY, and Kentucky.)
- 151 pretrial detention case packets representing all Orange County courts were "systematically" selected from the year 2007 to score using this initial risk assessment tool.
(*) 30 of the 151 case packets were subsequently excluded in the Risk Assessment scoring process, 19 due to questionable citizenship status and 11 due to other factors such as insufficient assessment information, etc.
- Risk Assessment scores for the **121 pretrial detention cases** ranged from 0 to 14 (maximum possible points of 20).



- Preliminary risk assessment categories established are as follows:
Low Risk Group: Score 0-4 N = 36
Medium Risk Group: Score 5-8 N = 51
High Risk Group: Score 9+ N = 34

¹ This study was undertaken to identify a potential group of felony pretrial defendants eligible for supervised pretrial release consideration through conducting a paper risk assessment on a small sample of 2007 pretrial detention cases. Orange County staff participating in the planning and implementation of this study included the following: Superior Court Planning and Research - Sandra Hilger, Dan Petras, Melissa Lee (Judicial Fellow), and Mark Romain (Court Intern). Probation Research – Shirley Hunt, Marya Forster, and Sharon Ishikawa; Sheriff staff – Tracy Carroll.

FINAL DRAFT: Orange County (3.16.2009)
PRETRIAL RISK ASSESSMENT FOR PAPER PILOT

DEFENDANT I.D. # _____ CITY OF RESIDENCE: _____

INTERVIEW DATE: _____ (DRO) COURT LOCATION: _____

DOB: _____

GENDER _____ ETHNICITY _____

DATE OF OFFENSE: _____ CASE NUMBER: _____ ARRAIGNMENT DATE: _____

BOOKING CHARGE(S): _____

What is the highest offense charge for current arrest and booking? _____

- ___ Property crime
- ___ Drug use crime
- ___ Drug Sales crime
- ___ DUI
- ___ Domestic Violence crime
- ___ Violent person crime
- ___ Technical violation/probation or parole

BOND AMOUNT: _____

Risk Assessment Scoring

1. What was the age of the defendant at first arrest? If unknown, use first conviction.
0 = If the defendant was 35 or above.
1 = If the defendant was 26 to 34
2 = If the defendant was 25 or younger

2. Does the defendant have two or more prior failure to appear warrants filed?
0 = No
1 = Yes

3. How many failure to appear warrants have been filed in the last 24 months?
0 = None
1 = A single failure to appear in the last 24 months
2 = Two or more failure to appears in the last 24 months

4. Does the defendant have prior probation or parole violations?
0 = No
1 = One prior probation or parole violation
2 = Two or more violations
Number of prior probation or parole violations? _____

5. Did the defendant have any prior jail post-sentencing or prison incarcerations?
0 = No
1 = Yes, prior jail post-sentence incarceration only
2 = Prior prison incarceration
Number of prior prison incarcerations: _____

6. Does the defendant have prior adult convictions (consider last 10 years only)?
- 0 = None
 1 = One or more/misdemeanor only
 2 = One or more prior convictions, at least one at felony level
Number of misdemeanor convictions? _____
Number of felony convictions? _____
7. Does the defendant have any prior violent convictions?
- 0 = No
 1 = One prior violent conviction
 2 = Two or more prior violent convictions
Number of Violent convictions? _____ How many were Felony violent? _____
8. Does the defendant have any juvenile arrests?
- 0 = No
 1 = Yes
Any juvenile arrests resulting in sustained petitions/probation wardship?(Yes/No _____
9. Was the defendant employed at the time of arrest?
- 0 = Defendant is employed/disabled/retired/student/primary caregiver
 1 = Defendant is unemployed
Time Employed _____/Time unemployed _____
10. Any history of illegal drug use?
- 0 = No
 1 = Yes
11. Does the defendant report an addiction to illegal drugs?
- 0 = No
 1 = Yes
Defendant self-reported alcoholism: Yes/No
12. How long has the defendant lived at the current residence?
- 0 = More than 1 year
 1 = 6 months to 1 year
 2 = less than 6 months or homeless
Defendant currently homeless? (yes/no)

TOTAL SCORE

Comments _____

RESULTS

92 DEFENDANTS WERE ARRAIGNED (29 were not arraigned/no further court records)

- o 16 of the 92 defendants were sentenced at arraignment
- o Pretrial outcomes for remaining 76 defendants
 - o 21 released (7 misconduct)
 - o 55 not released

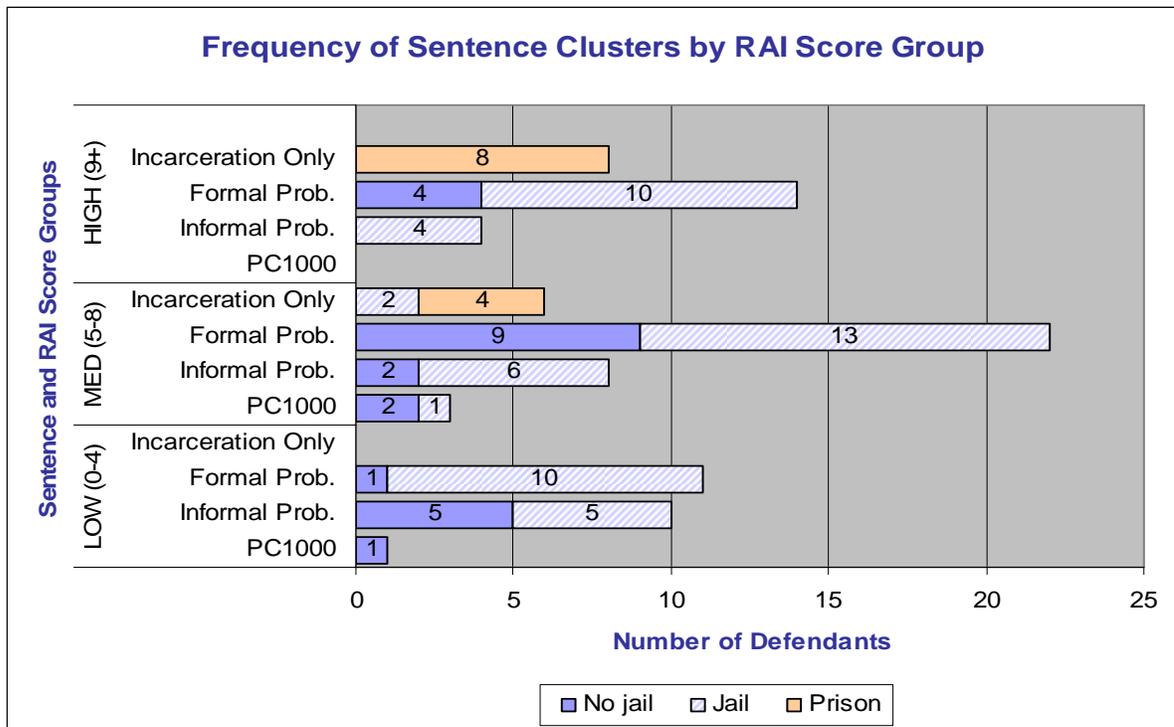
Arraignment To Pretrial Outcomes By Risk Score (N = 76)

PRETRIAL RISK SCORE		PRETRIAL OUTCOMES GROUP		
Group	Score	Not released	Released, no misconduct	Released, misconduct
Low (N=22)	0	-	1	1
	1	-	2	-
	2	2	3	-
	3	3	2	1
	4	3	3	1
Medium (N=32)	5	2	-	1
	6	9	1	-
	7	8	1	1
	8	7	1	1
High (N=22)	9	3	-	-
	10	8	-	1
	11	6	-	-
	12	1	-	-
	14	3	-	-

SENTENCING STATUS FOR 92 DEFENDANTS

- o 2 still pending as of April 2009
- o 3 dismissed
- o **87 sentenced**

Sentence Outcomes by Risk Assessment Level (N = 87)



KEY FINDINGS

- ◆ **Risk Assessment instrument and risk categories seem to have some validity based on pretrial and sentencing outcomes**
 - Proportion released is highest in low-risk, decreases with risk level increase
 - Sentencing outcomes generally support the current risk categories (i.e. for low risk – 12/22 received informal probation or PC1000; high-risk - 8/26 received prison sentences)

- ◆ **Outcomes by Risk Scores and Risk Levels:**
 - Pretrial outcomes support that defendants with 0 to 4 risk scores are likelier now to be released pretrial
 - Medium risk cases (N = 39 risk score of 5 to 8) had more serious sentencing outcomes but the majority were formal probation (N = 22) or informal probation (N = 8).

- **Jail Overcrowding Committee was interested in targeting offenders with risk scores up to "8" for Pretrial release. The medium risk group (score of 5 to 8) would be considered for "supervised release".**

Due to the limitations of this study's methodology, the findings above must be viewed with caution. It is unknown how representative this group of cases is of the more than 20,000+ detention cases processed during calendar year 2007.

Pretrial Release Risk Assessment Instrument

GROUP
(split of Total Score)

DESCRIPTIVES		Low n = 36	Medium n = 51	High n = 34
GENDER	Male	27	31	25
	Female	9	20	9
BAIL (in thousands)	≤ \$25	22	30	25
	≤ \$50	12	14	8
	> \$50	2	7	1
ARRESTING OFFENSE* <i>* See attached table for most frequent code for arrest by group</i>	Drug Use	8	22	12
	Drug Sales	3	3	3
	Property	12	15	14
	Weapons	0	0	2
	Violent Person	6	6	1
	Domestic Viol.	7	5	1
	Other (perjury)	0	0	1
1. AGE AT 1ST ARREST	≥ 35	9	2	1
	26 to 34	10	12	5
	≤ 25	17	37	28
2. 2+ FTAs FILED	No	36	47	19
	Yes	0	4	15
3. FTAs IN LAST 24 Mos	0	35	46	22
	1	1	5	7
	2+	0	0	5
4. PRIOR PVs	0	36	38	9
	1	0	9	6
	2+	0	4	19
5. PRIOR JAIL/PRISON	No	31	16	0
	Jail only	5	32	19
	1+ Prison	0	3	15
6. ADULT CONV. LAST 10 YRS.	None	29	11	1
	1+ misd only	7	20	8
	1+ (at least 1 felony)	0	20	25
7. PRIOR VIOLENT CONV.	No	36	51	31
	Yes	0	0	3
8. JUVENILE ARRESTS	No	30	37	26
	Yes	6	14	8
9. EMPLOYED AT ARREST	No	11	24	19
	Yes	25	27	15
10. ILLEGAL DRUG USE	No	30	19	4
	Yes	6	32	30
11. DRUG ADDICTION	No	34	37	19
	Yes	2	14	15
12. AT CURRENT RESIDENCE	> 1 yr	28	24	12
	6 mo to 1 yr	6	10	5
	< 6 mo or homeless	2	17	17

Score range: 0-4 5-8 9+

Most Frequent Code for Arrest (by Group)

		GROUP		
		Low	Medium	High
ARRESTING OFFENSE	Drug Use	HS 11377 (n=7)	HS 11377 (n=13)	HS 11377 (n=9)
	Drug Sales	HS 11359 (n=2)	HS 11351.5 (n=1) HS 11352(a)1 (n=1) HS 11379(a) (n=1)	HS 11379 (n=2)
	Property	PC 459 (n=4)	PC 459 (n=5)	PC 529.3 (n=3)
	Weapons	-	-	PC 12020(a) (n=1) PC 12020(a)(4) (n=1)
	Violent Person	PC 422 (n=2)	PC 211 (n=3)	PC 245(a)(1) (n=1)
	Domestic Viol.	PC 273.5 (n=4)	PC 273.5(a) (n=3)	PC 273a(b) (n=1)
	Other (perjury)	-	-	PC 118 (a) (n=1)