JTC Resource Bulletin

Using Technology to Improve Pretrial Release Decision-Making

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Abstract

Properly validated evidence-based pretrial risk assessment tools are better predictors of pretrial success than money bail or professional discretion alone. Jurisdictions can implement a pretrial risk assessment tool using data collected manually from local, state and federal databases, but a pretrial risk assessment tool would ideally be automated and integrated with existing systems that house relevant data. Implementing an automated pretrial release tool is a relatively small project with the potential for significant judicial, social and fiscal benefits.

Document History and Version Control

Version	Date Approved	Approved by	Brief Description
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Acknowledgments

This document is a product of the Joint Technology Committee (JTC) established by the Conference of State Court Administrators (COSCA), the National Association for Court Management (NACM) and the National Center for State Courts (NCSC).

JTC Mission:
To improve the administration of justice through technology

IT in Pretrial Services Work Group:

Joint Technology Committee:

Contents

Executive Summary

Pretrial detention is not only harmful to individuals and their families, it is costly for local, state, and federal governments. To avoid the money bail system's inherent injustice and the costs and detrimental effects of pretrial incarceration, jurisdictions need a fair and accurate way to predict the likelihood of a defendant offending while on pretrial release or failing to appear for court.

Risk levels determined through the use of a properly validated evidence-based pretrial risk assessment tool are more accurate predictors of pretrial success than money bail or professional discretion alone. The use of a validated pretrial risk assessment tool in pretrial release decision-making can minimize not only time in pretrial detention but also the likelihood and length of incarceration after sentencing.

Validated risk assessment tools apply evidence-based principles, meaning that they are empirically researched and proven to have measurable positive and predictive outcomes. Statistical analyses can reveal the combination of factors that, when evaluated together, are the most accurate predictor of a defendant's pretrial risk for that particular locale. Analyses can also show which information is *not* predictive, information that is valuable to stakeholders.

Technology Considerations

A pretrial assessment tool would ideally be automated and integrated with existing systems that house relevant data needed to complete the risk assessment. While several vendors offer integrated data solutions that may be tailored to fit the needs of a jurisdiction, no "off the shelf" pretrial analytical software exists today that has been specifically designed to automate a risk assessment tool.

In terms of scope and complexity, an automated pretrial assessment tool is a relatively small project with the potential for significant social and fiscal benefits.

> **Integration**
> The most difficult part of the technical implementation is establishing the necessary integration to existing systems to gather the required data. Use open standards such as National Information Exchange Model (NIEM) wherever possible to ensure systems can communicate and exchange data.

> **Build versus Buy**
> Determine ownership and hosting for the system, then assess the technical capabilities of the agency that houses the source data before deciding whether to build in-house, contract, or procure.

Devices and Operating Systems

Public institutions have a reputation for lagging behind the private sector in the implementation of technology. Even if other court systems are running on older operating systems with more limited features, ensure new development efforts address current user expectations and trends including touch screen, mobility, and BYOD ("bring your own device").

Support and Maintenance

Budget adequately for maintenance and support whether developing in-house or purchasing off the shelf. Ensure processes are in place to continue operations in the event of an outage of the court's system or the system of a partner agency.

Data Considerations

Data on some of the factors necessary to assess pretrial risk may be available in existing case management and criminal history systems. Through system integration and data sharing among the criminal justice partners, necessary data can be reliably gathered.

In selecting specific variables for data collection, consider factors such as data availability, accuracy, completeness, consistency, timeliness, integrity, security, relevance and suitability for pretrial purposes. Determining who collects the data, as well as who completes the risk assessment, is also critical to the process.

Sources

Information comes from a variety of sources including charging documents, criminal history (local, state, and federal), and directly from the Defendant (particularly contact information).

Access

Data necessary for both risk assessment and validation may need to come from other jurisdictions using systems that may not communicate easily. There may be local, state, or federal requirements for accessing data that may necessitate data-sharing agreements or memoranda of understanding.

Data Definitions

Each data element must have a singular, consistent definition to ensure the accuracy of data used in the pretrial risk assessment. Develop a shared "data dictionary." It is particularly important to ensure that the definition of Failure to Appear is consistent across all agencies sharing data. Periodically review the standard schema for data interface to ensure data elements and indicators have not been modified in ways that would impact calculations or data relationships.

Use of Common Identifiers
Each individual must be uniquely identified, and only one identifier can be used for an individual across the variety of inter-agency systems.

Interpretation of Criminal History
Ensure consistency in the way criminal history is recorded and interpreted, particularly arrest and FTA information.

Program Management and Validation
Collect data on predictive factors, the tool's recommendation, how the defendant ultimately behaved pretrial, and the final outcome. Also track judicial overrides. Each jurisdiction's assessment tool, and subsequent scale, should be revalidated periodically using its own population.

Key Performance and Data Measures
Data must be entered into the CMS relating to any new charges and the court's actions during the defendant's pretrial release.

Release Conditions
Capture supervision or monitoring conditions ordered as part of pretrial release, reported violation(s) of those conditions, and the outcome of any violation reported.

Release Categories
Defined by the risk assessment tool; usually low, moderate, or high risk.

Data Quality
Whether or not the tool is automated, ensure data collection is logical and uniform, and monitored for quality.

Implementation Considerations

Cost
Before determining funding sources, explore the variety of costs associated with the project including development, support, infrastructure, devices, training, and ongoing maintenance.

Funding and procurement
Establish a budget, identify funding sources, and understand financial limits before launching the procurement process. Use of a pretrial release system should result in significant savings in jail costs: calculate the potential return on investment as part of project planning.

Governance
Involve judges and prosecutors with knowledge of criminal justice statistics, as well as a broad range of stakeholders including law enforcement, clerks, defense, IT staff, criminal justice and government partners. Explore the legal implications related to the use of the tool. Identify a project sponsor with clear ownership, a willingness to lead, and the ability to gain buy-in from all parties.

Constitutional, legislative or rule changes
Examine the existing collection, flow, and delivery of information, and what would change with the system. Focus on the state's constitution, statues, and rules of procedure that pertain to the pretrial process, bail, and pretrial release conditions. Some jurisdictions are implementing new pretrial release processes through creating and adopting new court rules.

Functional and operational considerations
Using a pretrial risk assessment tool will change how the court uses and retains information. Identify data to be collected and by whom. Determine the collection point, process, and device for collecting it. Address legal issues relating to confidentiality including how, with whom, and how long information will be stored/retained and who will be permitted to access it.

Pilot and rollout
Consider running a pilot implementation with a single judge or court to expose any problems in a limited environment. Collect data to refine and validate the tool. Gather feedback on the application's performance using a variety of devices in multiple work settings. Evaluate the effectiveness of training and support in order to make adjustments prior to a full roll out.

Introduction

A pretrial release decision[1] based solely on a defendant's ability to pay money bail penalizes the poor and violates their civil rights. It also fails to protect the public. To avoid the money bail system's inherent injustice and the detrimental effects of pretrial incarceration, jurisdictions need a fair and accurate way to predict the likelihood of a defendant offending while on pretrial release or failing to appear for court. Properly validated evidence-based pretrial risk assessment tools produce numerical scores that predict pretrial failure. Risk levels determined through the use of these tools are better predictors of pretrial success than money bail or professional discretion alone.

Court leaders support this transition from money bail to an evidence-based process. In its 2012-2013 Policy Paper on Evidence-Based Pretrial Release,[2] the Conference of State Court Administrators (COSCA) advocated the presumptive use of non-financial release conditions and that court leaders adopt evidence-based risk assessment to set pretrial release conditions. The Conference of Chief Justices endorsed COSCA's policy position in 2013[3] and subsequently several state and local courts have engaged in pretrial justice reform efforts.[4]

As jurisdictions move toward adopting assessment tools for pretrial release decisions, they must collaborate with a variety of criminal justice stakeholders to collect and measure data, develop benchmarks, set clear goals and create mechanisms for tracking progress. Robust evaluation is critical to understanding the effectiveness and impact of pretrial decision-making. This paper provides a road map for any jurisdiction interested in improving the pretrial decision-making process through the use of technology.

Pretrial Detention Decision-making

Better pretrial decision-making can improve individual and community well-being, alleviate jail overcrowding, reduce costs, and increase the overall effectiveness of the criminal justice system. In response to the demand for better-informed criminal justice

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[1] The pretrial decision-making process occurs during the period of time after arrest, and continues to the point of deciding whether a defendant should be released or remain in detention. It is defined as the assessment and presentation of a defendant following arrest for purposes of assisting a judicial officer in making an informed, evidence-based decision whether to continue to detain or to release the defendant.

[2] For more information, see the 2012-2013 COSCA Policy Paper "Evidence-Based Pretrial Release" at NCSC.org.

[3] Conference of Chief Justices Resolution 3, Endorsing the Conference of State Court Administrators Policy Paper on Evidence-Based Pretrial Release, Adopted as proposed by the CCJ/ COSCA Criminal Justice Committee at the Conference of Chief Justices 2013 Midyear Meeting on January 30, 2013.

[4] For more information, see *A Snapshot of Pretrial Reform Activity Across the Nation*.

decisions and outcomes, evidence-based[5] principles have become the standard for criminal justice practices. Because of the clear benefits, government[6] and private[7] grant-making agencies as well as legislatures[8] are requiring the use of evidence-based principles in justice system projects across the country.

Impact of Pretrial Detention on Sentencing and Recidivism

Multiple research studies over several decades demonstrate that outcomes are less favorable for criminal defendants held in pretrial detention than for those who are released.[9] These outcomes include higher rates of guilty pleas, convictions, sentences that include incarceration, and lengths of post-conviction incarceration. Other studies have documented the long-term negative impact of incarceration on employment, education, housing, and individual and family well-being.[10]

In 2013, a landmark study supported by the Laura and John Arnold Foundation examined the impact of pretrial detention on the likelihood to re-offend[11] and on sentencing outcomes[12] using a large statewide dataset from Kentucky.[13] The examination of recidivism found that for low and moderate risk defendants, even a short stay in jail creates a greater likelihood of future criminal activity, both during the pretrial period and for two years after the current case is disposed. In fact, low-risk defendants held in jail for two to three days were 39 percent more likely to be arrested for a new crime than those released on the first day. Low-risk individuals jailed for eight to fourteen days were 51 percent more likely to be re-arrested. In other words, pretrial

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[5] Evidence based principles and practices are approaches that have been empirically researched and proven to have measurable positive and predictive outcomes.

[6] "Evidence-Based Practices." *BJA Justice Reinvestment Initiative*. Office of Justice Programs, n.d. Web. 21 Jan. 2016.

[7] See the MacArthur Safety and Justice Challenge, a five-year, $75 million initiative by the John D. and Catherine T. MacArthur Foundation focused on reducing over-incarceration.

[8] Lawrence, Alison, and Donna Lyons. *Crime Brief: Justice Reinvestment*. Issue brief. National Conference of State Legislatures, July 2013. Web. 16 Mar. 2016.

[9] See literature cited at the Center for Pretrial Justice for Courts and the Pretrial Justice Institute websites.

[10] See, for example, Berry, David, and Paul English. "The Socioeconomic Costs of Pretrial Detention" (2011): Open Society Foundations, 2011. Web. 19 Dec. 2015.

[11] Lowenkamp, Christopher T., Ph.D., Marie VanNostrand, Ph.D., and Alexander Holsinger, Ph.D. *The Hidden Costs of Pretrial Detention*. United States: Laura and John Arnold Foundation, 2013. Pretrial.org. Pretrial Justice Institute, Nov. 2013. Web. 19 Dec. 2015.

[12] Lowenkamp, Christopher T., Ph.D., Marie VanNostrand, Ph.D., and Alexander Holsinger, Ph.D. *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*. United States: Laura and John Arnold Foundation, 2013. Pretrial.org. Pretrial Justice Institute, Nov. 2013. Web. 19 Dec. 2015.

[13] The dataset analyzed for this study included 153,407 records representing all defendants arrested and booked into a Kentucky jail between July 1, 2009, and June 30, 2010.

detention has the effect of transforming a low-risk defendant into a higher risk defendant.[14]

The impact of pretrial detention on sentencing outcomes was equally dramatic. The study compared outcomes for felony and misdemeanor defendants released at some point before trial or case disposition and those who were detained the entire time.[15] Defendants detained for the entire pretrial period were over four times more likely to be sentenced to jail and over three times more likely to be sentenced to prison. The sentences for the detained defendants also were longer: jail sentences are nearly three times as long, and prison sentences are more than twice as long. The significance of the differences between the two groups was even greater for defendants assessed to be low risk.

The use of a validated pretrial risk assessment tool in pretrial release decision-making can minimize not only time in pretrial detention but also the likelihood and length of incarceration time after sentencing. This improvement in the pretrial process should lead to a reduction in the negative impacts of the criminal justice system on individuals and families.[16]

Financial Implications for Jurisdictions

Pretrial detention is not only harmful to individuals and their families, it is costly for local, state and federal governments. The financial benefits inherent in detaining only those who pose a real risk of failing to appear or of reoffending may be a compelling enough reason for jurisdictions to act. In 2011, then-U.S. Attorney General Eric Holder identified several "serious problems, as well as significant inefficiencies" in the existing pretrial decision-making process[17]. Mr. Holder emphasized that:

- Two-thirds of county jail inmates are defendants awaiting trial.
- County jail inmates are poor and remain in jail an average of nearly two weeks because of an inability to pay the required money bail.
- County jail inmates are kept in jail at a considerable cost to taxpayers amounting to roughly $9 billion annually.

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[14] The levels of risk were determined using the Kentucky Pretrial Risk Assessment, the validated pretrial risk assessment tool in use in Kentucky at the time of the study.

[15] The average length of pretrial incarceration was 35 days for released felony defendants and 7 days for released misdemeanor defendants.

[16] The Pretrial Justice Institute is providing resources to states and local jurisdictions to reduce the impact of pretrial incarceration through its 3DaysCount campaign. For more information, see http://www.pretrial.org/3DaysCount.

[17] "Attorney General Eric Holder Speaks at the National Symposium on Pretrial Justice." *Office of Public Affairs / Briefing Room / Justice News*. United States Department of Justice, 1 June 2011. Web. 02 Nov. 2015.

And costs keep climbing. By adopting an effective evidence-based pretrial assessment process, jurisdictions can substantially reduce costs associated with pretrial detention. For example, Harris County, Texas netted an estimated $4 million in savings and revenue in FY2010 through avoided detention costs and pretrial services fees.[18]

Lawmakers[19] and taxpayers alike are growing impatient with the escalating societal and economic cost of incarceration in the United States. An evidence-based pretrial release program can be the impetus for states seeking to enact penal code reform, with beneficial impact to both communities and jurisdiction budgets.

Unfairness in Use of Money Bail

Pretrial policy experts have long expressed alarm at the fundamental unfairness of money bail and the practice of bail bonding.[20] Fortunately, the federal government, the media, the public, and state and federal courts are now taking interest. Bail reform is now widely discussed in mainstream media, encouraging public officials to act to bring change.

In June of 2015, British comedian and political satirist John Oliver took aim at the U.S. practice of bail bonding on the HBO series "Last Week Tonight with John Oliver." Amid a tidal wave of support from the criminal justice community, Mr. Oliver railed against a system that discriminates against defendants with limited financial means, while failing to protect the public from defendants who pose a serious risk to the community. Defendants accused of minor infractions may be detained, while defendants with financial means are released without any consideration of the danger they present to the community or the likelihood they will appear in court.

Mr. Oliver illustrated these points with the story of a man named Miguel, who was arrested and charged with driving on a suspended license. Unable to meet the $1,000 bail, and maintaining his innocence, Miguel awaited trial in Rikers Island in New York City. He told of frightening conditions at the jail that eventually forced him to plead guilty to gain release and return to his family. Mr. Oliver's outraged, cringe-comedic

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[18] "*Evidence-Based Pretrial Release*," *2012-2013 COSCA policy paper.* Citing Nagy, G. (2012). "Pretrial Services, Evidence Based Policy and Practices" presentation to the Pretrial Detention in Texas: Strategies for Saving Taxpayer Money While Maintaining Public Safety meeting, Austin, Texas, March 30, 2012.

[19] According to the National Council of State Legislatures, from 2012 through 2015, legislatures in 50 states enacted a total of 364 laws related to pretrial practices and policies. In 2015 alone, 41 states enacted 120 pretrial related bills.

[20] In 1961, the New York City Court and the Vera Institute of Justice organized the Manhattan Bail Project, an effort to demonstrate that non-financial factors such as employment history, local family ties, and prior criminal record should be used to determine an individual's flight risk, and to release low risk defendants on their "own recognizance" with no bail.

presentation speaks to everyday Americans. He referenced the Manhattan Bail Project and stated in feigned shock, "[w]e have known this since 1961!"[21]

Despite Mr. Oliver's sometimes off-color presentation, Miguel's story confirms what experts have long reported – "that detained defendants receive more severe sentencing, are offered less attractive plea bargains, and are more likely to become 'reentry' clients because of their pretrial detention – regardless of charge or criminal history."[22] For many pretrial detainees, jail time frequently means the loss of a job and/or home, and is damaging to family and social relationships. All of these factors increase the risk of possible future criminal behavior.[23]

Four decades of research have shown that racial inequities exist in the use of pretrial detention.[24] A 2013 Vera Institute study conducted with the District Attorney of New York confirmed that race and ethnicity are among the factors that influence whether defendants charged with various types of offenses are detained or released at arraignment.[25] For example, for misdemeanor crimes against persons, African-American defendants were 20 percent more likely than whites to be detained before trial.

An effective pretrial risk assessment tool can help address the disproportional number of African-American and Hispanic defendants detained pretrial. In a study of more than 55,000 cases in Kentucky, researchers sought to determine whether the Public Safety Assessment[26], resulted in disparate impacts based on race and gender. The evaluation demonstrated that at each risk level, black and white defendants fail at virtually the same rate.[27] Implementing a validated pretrial risk assessment tool is one strategy communities can use to remove racial bias in pretrial detention decision making.

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[21] See note 22.

[22] Bureau of Justice Assistance (2012). "Ensuring Procedural Justice Throughout the Adjudication Process: Pretrial Reform, High Performance Prosecution, and Smarter Sentencing Practices," FY 12 Competitive Grant Announcement.

[23] Kutateladze, Besiki, Whitney Tymes, and Mary Crowley. *Race and Prosecution in Manhattan*. Vera Institute of Justice, July 2014. Web. 06 Nov. 2015.

[24] See, Kutatelze, Besiki, Whitney Tymas, and Mary Crowley. *Race and Prosecution in Manhattan*. (Vera Institute of Justice (July 2014), note 6. See also, See also, Incarceration's Front Door: The Misuse of Jails in America, Vera Institute of Justice , February 2015.

[25] Kutateladze, Besiki Luka and Nancy R. Andiloro. *Prosecution and Racial Justice in New York County*. Rep. Prosecution and Racial Justice Program - Vera Institute of Justice, 31 Jan. 2014. Web. 13 Jan. 2016.

[26] The Public Safety Assessment is a pretrial risk assessment tool developed by the Laura and John Arnold Foundation. For more information, go to arnoldfoundation.org.

[27] Because white and black respondents made up more than 96 percent of the cases in Kentucky, the analysis did not include other races.

Organizations Working to Bring Change

When the Conference of State Court Administrators (COSCA) advocated for using an evidence-based pretrial risk assessment and the Conference of Chief Justices endorsed the COSCA policy paper, they joined an army of supporters calling for pretrial reform:

- Pretrial Justice Institute
- American Bar Association
- International Association of Chiefs of Police
- Association of Prosecuting Attorneys
- American Council of Chief Defenders
- National Association of Criminal Defense Lawyers
- National Association of Counties
- National Association of Court Managers
- Bureau of Justice Assistance
- Department of Justice
- National Association of Pretrial Services Agencies
- The National Institute of Corrections
- American Civil Liberties Union
- The Innocence Project
- The National Association for Public Defense
- The American Jail Association
- The National Criminal Justice Association
- National Sheriff's Association
- McArthur Foundation
- The Laura and John Arnold Foundation
- Public Welfare Foundation
- Crime and Justice Institute
- National Judicial College
- United Methodist Church General Board of Church and Society
- National Legal Aid & Defender Association

Federal and State Court Pretrial Reform Decisions

Several recent federal court cases have made headlines challenging the constitutionality of money bail. In one case, Donna Pierce, a single mother in Velda City, Missouri, was stopped for having a headlight out, and jailed for driving on a suspended license and failing to produce proof of insurance. Advocates for Ms. Pierce argued that her pretrial detention violated the 14th Amendment of the U.S. Constitution. Facing an adverse ruling from a Missouri federal court, Velda City settled the lawsuit and agreed that individuals would not be jailed for their inability to post money bail,

stating that "[n]o person may, consistent with the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, be held in custody after an arrest because the person is too poor to post a monetary bond."[28]

In *Christy Dawn Varden v. The City of Clanton,* the federal court struck down the city's bail schedule on the premise that "…defendants, presumed innocent, must not be confined in jail merely because they are poor. Justice that is blind to poverty and indiscriminately forces defendants to pay for their physical liberty is no justice at all."[29]

While pretrial detainees are often unable to pay lower amounts of bail, there are also examples of bail amounts so excessive they have been ruled unconstitutional. The New Mexico Supreme Court recently ruled that a defendant must be released from custody on the least restrictive conditions necessary to reasonably assure both the defendant's appearance in court and the safety of the community.[30] Several jurisdictions in New Mexico are now implementing evidence-based pretrial release as an alternative to money bail.

Bail reform has also recently been announced as one of the components of the U.S. Department of Justice's new initiative to address the connection between poverty and the criminal justice system. A recent Department of Justice and White House event, "A Cycle of Incarceration: Prison, Debt and Bail Practices," was designed to bring attention to the disproportionate impact of money bail, fines and fees on the poor, as well as highlight state justice system reform efforts.[31]

Pretrial Risk Assessment Tools

Validated risk assessment tools apply evidence-based principles, meaning that they are empirically researched and proven to have measurable positive and predictive outcomes. These principles have been used effectively in sentencing, probation and

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[28] Pierce V. City of Velda (Missouri). U.S. District Court Missouri, Eastern Div. June 3, 2015.

[29] Varden v. The City of Clanton (Alabama). Alabama Middle District Court, Montgomery Office, Chilton County. 14 Sept. 2015. In 2015, two additional federal court cases have repudiated the use of money bond to detain individual who otherwise would be released pretrial. See Thompson V. Moss Point. U.S. District Court Mississippi, Southern Div. June 12, 2015 (city shall not use secured money bail for person in the custody of the City) and Cooper v. City of Dothan. U.S. District court Alabama, Southern division June 16, 2015 unconstitutional to detain solely due to inability to tender monetary amounts).

[30] State of New Mexico v Walter Ernest Brown. Supreme Court of the State of New Mexico. 6 Nov. 2014. New Mexico Compilation Commission, Opinion number 2014-NMSC-038. Docket number 34,531.

[31] See Fact Sheet on White House and Justice Department Convening--A Cycle of Incarceration: Prison, Debt and Bail Practices.

parole decision-making,[32] and now they are being applied to the pretrial process.[33] In past few years, six states, the District of Columbia, the federal court system, and about three dozen individual counties in another 15 states[34] have implemented a validated, evidence-based pretrial assessment tool. Examples of these tools include Virginia's Pretrial Risk Assessment Instrument (VPRAI), Ohio Risk Assessment System (ORAS), and Colorado Pretrial Assessment Tool (CPAT).[35]

The Public Safety Assessment (PSA), formerly called the PSA-Court, is one example of an evidence-based, validated, and objective tool. In 2011, the Laura and John Arnold Foundation set out to use data, analytics, and technology to "promote transformational change" in criminal justice, hoping to make the system safer, more fair, and less costly by improving decision-making during the pretrial process. They set out to develop a data-driven, objective pretrial risk assessment tool by studying the results of pretrial release in nearly 750,000 cases from 300 jurisdictions around the country. The goal was to give judges a tool to "easily, cheaply, and reliably quantify defendant risk."[36]

The Public Safety Assessment uses nine data points drawn from the defendant's charging document and criminal history (e.g., current charge, pending cases, prior failures to appear, and prior convictions) to reliably predict the risk he or she will reoffend, commit violent acts, or fail to come back to court. The tool was successfully piloted in all 120 Kentucky counties, and as of June 2015, 21 jurisdictions were implementing the PSA, including the states of Arizona and New Jersey, as well as individual counties in California, Colorado, Illinois, and North Carolina.[37]

Analysis of Kentucky's experience with the PSA began July 1, 2013 and is ongoing. It suggests that use of the PSA, coupled with Kentucky's pretrial release process, has led to higher rates of release of low risk defendants, as well as higher rates of detention of high risk defendants. More importantly, the appearance rate for all risk levels is over

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[32] *Developing a National Model for Pretrial Risk Assessment*. Rep. Laura and John Arnold Foundation, Nov. 2013. Web. 6 Nov. 2015.

[33] For example, Denise O'Donnell, Director of the Bureau of Justice Assistance, stated that "BJA is working diligently to assist jurisdictions implement validated risk assessment tools that inform pretrial decision making and educate stakeholders about their value. These tools ensure the best information available is utilized so that dangerous offenders are detained and public safety is maintained in a cost-effective manner for local jurisdictions." "Interview with the Director of the Bureau of Justice Assistance, Department of Justice," National Conference of State Legislatures, 28 Jan. 2014. Web. 6 Nov. 2015.

[34] Information provided by Mike Jones, Director of Research and Strategy, Pretrial Justice Institute, to the JTC Working Group, April 29, 2015.

[35] For a discussion of pretrial risk assessment tools and description of factors used in six widely used tools, see "Pretrial Risk Assessment: Science provides Guidance on Managing Defendants."

[36] *Developing a National Model for Pretrial Risk Assessment*. Rep. Laura and John Arnold Foundation, Nov. 2013. Web. 6 Nov. 2015.

[37] Laura and John Arnold Foundation. *More than 20 Cities and States Adopt Risk Assessment Tool to Help Judges Decide Which Defendants to Detain Prior to Trial*. *Arnoldfoundation.org*. Press Release. 26 June 2015. Web.

85%, and the public safety rate (no new offense charged during the pretrial period) averages 90%.

It is important to note that a validated pretrial risk assessment is not a substitute for judicial discretion. A data-driven risk assessment can be an essential tool for judges making the release/detain decision, a process that relies on judges to "look at the facts of a case, and at the risk a defendant poses, and then make the best decision possible using their judgment and experience."[38]

Figure 1, Sample Pretrial Assessment shows what risk factors were considered and how those factors might be presented in a pretrial risk assessment. It also documents the conditions of release, information useful for further statistical analysis.

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[38] *Developing a National Model for Pretrial Risk Assessment*. Rep. Laura and John Arnold Foundation, Nov. 2013. Web. 6 Nov. 2015.

Figure 1 - Sample Pretrial Assessment

Virginia Pretrial Risk Assessment Instrument

Instrument Completion Date: 05/02/2009   **Court Date:** 05/02/2009

First Name: VPRA1   **Last Name:** Test   **Race:** Other

SSN: 999-99-9999   **Sex:** Male   **DOB:** 05/02/1971

Charge(s): Grand Larceny $5,000, General District Court

Recommendation

Personal Recognizance	Reduced Bond	Same Bond	Supervised Release	Increased Bond	No Bond

Conditions of Release

- Refrain from excessive use of alcohol or use of drugs
- Submit to testing for drugs and alcohol
- Maintain or seek employment
- Complete substance screening and assessment by the CSB

Additional Comments/Recommendations

The combination of the recommended conditions of release with pretrial supervision will address the risk concerns identified by our assessment. Financial conditions are not needed in this case to address the potential for failure to appear in court.

Risk Assessment

Factors Considered

- No pending charge existed at time of arrest
- No pattern of failures to appear exists (zero or one)
- No pattern of violent convictions exists (zero or one)
- Length at current residence is more than one year
- The most serious charge is a felony
- One or more adult criminal convictions
- Not employed continuously for the past two years and was not a primary caregiver at the time of arrest
- History of drug abuse
- The pretrial risk assessment identifies the defendant's risk level as above average

Additional Considerations

Although the defendant has not been employed continuously for the past two years, he recently obtained employment at American Auto Repair. This information was verified through the defendant's employer, John Sullivan.

Confidential - Further disclosure prohibited by law pursuant to §2.2-3706 and §19.2-152.4:2 of the Code of Virginia.

Technology Considerations

A pretrial assessment tool would ideally be automated and integrated with existing systems that house relevant data needed to complete the risk assessment. There are at least two technology components in an automated pretrial risk assessment process:

- pretrial risk assessment tool
- pretrial case management system that houses all relevant information regarding the defendant

A pretrial risk assessment system automates the process of evaluating the defendant's charging document and criminal history to create a risk assessment score. While several vendors offer integrated data solutions that may be tailored to fit the needs of a jurisdiction, no "off the shelf" pretrial analytical software exists today that has been specifically designed to automate a risk assessment tool. Some jurisdictions have built tools in-house.

In terms of scope and complexity, an automated pretrial assessment tool is a relatively small project with the potential for significant social and fiscal benefits.

Integration

The most difficult part of the technical implementation is establishing the necessary integration to existing systems to gather the required data. Use open standards such as National Information Exchange Model (NIEM) wherever possible to ensure systems can communicate and exchange data.

Build versus Buy

The decision to develop a pretrial assessment tool in-house, to contract, or to procure should be made based on the results of an assessment of the technical capabilities of the agency that houses the source data. Do they have internal development staff, or do they rely on vendors for application development, support and maintenance? Due to the nature of the pretrial assessment tools, the wide variations in data sources and formats, and the lack of broad consensus on calculations and presentation, commercial software developers have not invested in this aspect of judicial information systems. Internal development in some form may be required.

Two important questions that must be answered in the project evaluation stages are ownership and hosting. The court will likely be the agency hosting the application. Ensure the funding plan includes resources for ongoing end-user technical support, whether support is provided by court staff or through a support contract with a vendor.

Devices and Operating Systems

Public institutions have a reputation for lagging behind the private sector[39] in the implementation of technology. Even if other court systems are running on older operating systems with more limited features, ensure new development efforts address current user expectations and trends. Many organizations now allow personnel to utilize court web-based applications from their personal devices. Bring Your Own Device (BYOD) is a rapidly growing trend. Applications should automatically conform to the screen size of the device. Touch screen capabilities are another important consideration.

Support and Maintenance

All systems require regular maintenance. Whether a court purchases off-the-shelf software or engages a vendor, maintenance comes at a cost that must be included in the contract and budget. In-house system development also requires staff time for ongoing maintenance. In either scenario, there will be periodic outages to apply updates. There will also be outages when partner agencies are down for updates, making data temporarily unavailable. Establish a process to coordinate outages, and a process for continuing operations in the event of an outage. Notify users ahead of time if systems will be unavailable.

Data Considerations

A pretrial assessment tool would ideally be automated, and integrated with existing systems that house relevant data needed to complete the risk assessment. [40] In addition to saving time, automation also reduces the burden of data entry and the possibility of human error. However, data may need to be collected manually from other local, state and federal databases.

In selecting specific variables for data collection, consider factors such as data availability, accuracy, completeness, consistency, timeliness, integrity, security, relevance and suitability for pretrial purposes. Determining who collects the data and who completes the risk assessment is also critical to the process.

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[39] West, Darrell M., and Jenny Lu. "Comparing Technology Innovation in the Private and Public Sectors." *Governance Studies at Brookings,* Brookings Institute. June 2009. Web. 21 Mar. 2016.

[40] Pretrial services agencies in at least two jurisdictions, the District of Columbia and Allegheny County (PA), use an automated risk assessment tool that is integrated with the agency's case management system. The tools run in the background and automatically calculate the defendant's risk score. The District of Columbia's database automatically pulls criminal history data from the D.C. Superior Court's case management system, and the Allegheny County database automatically pulls information on convictions, warrants and FTAs stored in Pennsylvania's statewide court case management system. Pretrial staff in both jurisdictions gather and enter dynamic information from and about the defendant, as well as information from current searches of NCIC and other national criminal justice databases.

Sources of Data

Data for pretrial assessment comes from multiple sources including charging documents; local, state, and federal criminal history databases; and directly from the defendant. Not all factors are equally predictive of pretrial failure.[41] Many of the key factors most predictive of pretrial failure[42] can be obtained from a defendant's criminal history and charging documents, for example, prior FTA (failure to appear), prior convictions, and presently charged with a felony.

Most states also have statutory factors that may be considered, such as community ties and seriousness of the offense. Virginia, for example, requires the judicial officer to take in to account the defendant's involvement in education, financial resources available to pay bond, and whether a firearm was used.[43] Louisiana includes the defendant's voluntary participation in a pretrial drug testing program when considering bail.[44]

Data on some of these factors may be available in existing case management and criminal history systems. Gathering necessary data through system integration and data sharing among the criminal justice partners is essential to building a reliable system. Some jurisdictions may also collect data from the defendant directly on employment status, residence information, community ties, mental health, and self-reported substance abuse information.

When data is collected for as many risk factors as possible, then statistical analyses can reveal the combination of factors that, when evaluated together, are the most accurate predictor of a defendant's pretrial risk for that particular locale. Moreover, when analyses show which information is *not* predictive, the fact that it is not predictive information is valuable to stakeholders who may have assumed or practiced as if these factors were predictive.

In selecting specific variables for data collection, consider factors such as data availability, accuracy, completeness, consistency, timeliness, integrity, security, relevance and suitability for pretrial purposes. Determining who collects the data, as well as who completes the risk assessment, is also critical to the process.

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[41] Some commonly used pretrial assessment questions may disproportionally impact the poor and communities of color. They include land-line phone versus cell phone; employment, income and education; and home life and family. Other problematic items that are drawn from criminal history data include age at first arrest and number of arrests.

[42] Cynthia A. Mamalian, Ph.D, "The State of the Science of Pretrial Risk Assessment." Pretrial Justice Institute. Bureau of Justice Assistance, Department of Justice. March 2011. Web. Accessed 6 November 2015.

[43] "Virginia Law." *§ 19.2-121. Fixing Terms of Bail*. N.p., n.d. Web. 13 Jan. 2016.

[44] "Art. 334. Factors in Determining Amount of Bail." Louisiana State Legislature, n.d. Web. 13 Jan. 2016.

Information from the Charging Document

The most critical data contained on charging documents is the charge itself, which initiates the entire pretrial process. A pretrial agency's notification of the arrest and access to charging documents is the critical first step to initiating a risk assessment. The quality of the arrest and charging documents may vary by jurisdiction. Information from arresting agencies will also differ. For example, the Border Patrol may collect different information during the booking process. Some pretrial risk assessment tools capture the seriousness of the current charge, and/or the defendant's age at the time of arrest.

Information from Criminal History

Information about a defendant's criminal history – including local, state, out-of-state and federal records – should include the defendant's occurrences of Failure to Appear (FTA), criminal convictions, pending cases before a court, and incarceration sentences. Some risk assessment tools specifically examine violent crimes and/or substance abuse-related crimes.

Prior conviction information may be available in local court records, but an accurate pretrial assessment tool should also take in account prior convictions in other jurisdictions. Criminal history data is typically owned by states, housed in state repositories, and managed by each state's Department of Public Safety, State Investigation Bureau, State Police, Criminal Justice Information Systems organization, or Attorney General's Office.

Access to the internal state repository associated with a requesting Court differs from state to state but is usually a fairly straightforward approach that leverages the Information Technology policies, architectures and capabilities of that particular state. In most states, access to that data would be obtained through state police. Access to NCIC/III criminal history information must be approved by the FBI CJIS Division via the State CJIS Systems Officer (CSO).[45]

The format of the data, as well as the charge codes, will vary, which can cause difficulty in deciphering the information. Court personnel should request documentation from the data custodian to help interpret the results. Some states have an Information Services Help Desk that may be able to assist. The ability to present offenses, charges, cases, and dispositions in a simple, concise and

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[45] For example, all pretrial officers in Kentucky's statewide pretrial program have NCIC access for purposes of conducting the risk assessment. That access is granted by virtue of an MOA between the Kentucky State Police and the Kentucky Administrative Office of the Courts which houses the Kentucky pretrial program.

consistent manner is critical to creating an accurate risk assessment. How data is mapped between systems is important.

It is important to understand the cultural difference between how Courts and Law Enforcement grant access to data. Data contained in court records is often open to the public and accessible, while Law Enforcement information can be protected from release to the general public. Laws differ greatly from state to state. Some have open records legislation that drive access to data, while other states have very restrictive laws that preclude sharing information. In some cases, Memorandums of Understanding can facilitate cooperation to bridge the gap on access to records and data between Courts and Law Enforcement.

Information from the Defendant

While obtaining information from charging documents and criminal history can be automated, collecting contact information and demographic data requires contact with the defendant. This information could be obtained at booking or as part of the pretrial risk assessment process. Information may also be collected via brief phone or video-enabled internet interview if pretrial staff is not present in every jail.

Receiving information directly from the defendant can reduce errors that occur in the data transfer or transcription process. Accurate contact information including cellular telephone numbers is extremely important for automated court notification programs, which have been shown to reduce Failure to Appear issues simply by reminding defendants of upcoming court dates.

Depending on the factors present in their risk assessment, some jurisdictions may collect data from the defendant on employment status, residence information, community ties, and self-reported substance abuse information. However, factors such as these are not predictive of pretrial failure.[46] Unlike post-conviction needs assessments used in the corrections field, pretrial stage risk assessments must protect the legal status of the defendant and should contain only factors predictive of failure to appear and anticipated criminal activity.

Access

Data needed to both conduct the risk assessment and to validate the effectiveness of the tool in predicting FTA and new crimes may need to be gathered from different

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[46] Some commonly used pretrial assessment questions may disproportionally impact communities of color. They include land-line phone versus cell phone; employment, income and education; and home life and family. Other problematic items that are drawn from criminal history data obtained include age at first arrest and number of arrests.

stakeholders within jurisdictions whose systems may not communicate with each other, or from stakeholders who may not be entitled to access certain types of data. Stakeholders must also be aware of local, state or federal agency requirements for accessing data that may necessitate data-sharing agreements or memoranda of understanding to share data.

Data Definitions

The accuracy of the pretrial risk assessment can only be as accurate as the data. Each data element must have a singular, consistent definition. Develop a shared "data dictionary" to ensure a common definition of all data elements. For example, the definition of what constitutes a failure to appear must be consistent among the agencies sharing data because a defendant's number of FTAs has a serious impact on the resulting risk assessment score. Data-sharing partners should also develop a standard "schema" or design for data interfaces for the purpose of information exchange." Review these documents periodically to ensure that data elements and indicators have not been modified in ways that would impact calculations or data relationships.

Importance of Common Identifiers

Personal identifiers are especially important to data integrity. Each individual must be uniquely identified, and only one identifier can be used for each individual across the variety of inter-agency systems. Some systems may have a different identifier for each defendant and each case. It is essential to uniquely identify an individual to assist with tracking a defendant's actions while on pretrial release. In some jurisdictions, different courts may use different identifiers. Some case management systems may not capture personal identifiers at all. Organizations that will share data must agree on a common identifier that will be used throughout the process. They may also agree to use more than one identifier for each individual, such as driver's license number, name, date of birth and/or social security number.

Interpretation of Criminal History

Develop consistent rules for interpreting and recording criminal history. For example, differentiating between a prior conviction and an occurrence of an arrest-only with no resulting conviction is essential, as relying on arrest-only information can create bias and skew risk factor data associated with prior convictions. Be aware that many courts consider a Failure to Pay as an FTA, which can skew results.

Program Management and Revalidation

Data collected to make the release/detain decision is also essential to validate the performance and outcome of the pretrial release decision. Robust data analysis is key. That requires collecting data on the predictive factors, the tool's recommendation,

details about how the defendant ultimately behaved pretrial, and the final outcome of his or her case. Judicial overrides must also be tracked and analyzed[47] to provide feedback to judges on outcomes of their decisions so they can see that risk categories are valid. Data gives judges confidence to rely on the use of a pretrial release assessment tool. Continually evaluate the validity of the tool over time using this data.

Each jurisdiction's assessment tool, and subsequent scale, should be revalidated periodically using its own population. The tool should demonstrate accuracy in sorting defendants into risk categories for your jurisdiction. The revalidation process is very important when educating judges and other stakeholders about the reliability and success of the pretrial process through improved appearance rates and public safety rates.

Key Performance Data Measures

Another important technical consideration is the case management system (CMS) that collects key data elements for the purpose of performance measurement of the pretrial release program. Data should be collected and entered into the CMS regarding any new criminal activity a defendant may commit while on pretrial release. At a minimum, the system should include the new charge and the court's action or lack thereof.

Release Conditions

The pretrial case management system should also capture any supervision or monitoring conditions that are ordered as conditions of pretrial release. The scope and parameters of an agency's supervision and pretrial monitoring program will vary by program, but the CMS should capture information about which defendants are accepted into a supervision program, conditions imposed, any reported violation(s) of those conditions, and the outcome of any violation reported.

Release Categories

Release categories are defined by the risk assessment tool that a jurisdiction selects. The most common categories will identify a defendant as either a low, moderate, or high risk. Release Rates by Release Category is a key data measure that can help a jurisdiction define its goals and gauge its success.

Appearance Rate	The rate at which a defendant appears at his next court event. Some jurisdictions measure Failure to Appear (FTA) rates.

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[47] Pretrial Justice Institute. "Pretrial Risk Assessment: Science Provides Guidance on Assessing Defendants." *Issue Brief.* May 2015. 5. Web 2 February 2016.

Public Safety Rate[1]   A defendant's appearance rate and whether
                           he or she has committed a new offense
                           while on pretrial release.

Length of Stay   Number of days in-custody during the
                           pretrial stage. (Includes both defendants
                           who are otherwise eligible for release but
                           cannot post bond and detained defendants
                           held with no bail.)

Average length of pretrial release   Number of days a defendant is released
                                      from jail pending final resolution of the
                                      charge.

Discussion of these data measures will often lead to actions that effectively and
safely reduce jail populations.[48]

These data variables represent a comprehensive and detailed data collection. Not all
jurisdictions collect data for all of these fields, although it should be collected for as
many of these factors as possible. Data should also be collected to provide information
requested by stakeholders or mandated by law in your jurisdiction.

Data Quality

Whether or not the tool is automated, data quality is a major consideration in pretrial
release decisions. To avoid reporting inaccurate data that could undermine the
effectiveness of the tool, ensure data collection is logical and uniform, and monitored for
quality.

Depending on the size of the organization, QA processes may be single or multi-level.
Supervisors should review pretrial front-line work, checking for simple (but potentially
calamitous) data entry errors as well as more in-depth mistakes caused by inadequate
job knowledge. Management staff may spot check the work of the supervisors' QA
reviews, and provide training where reoccurring deficiencies are discovered. Executive
staff should appraise aggregate data, looking for anomalies in data patterns, and
correcting business practices and processes that led to incongruities.

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[48] More performance and outcome measures, along with brief descriptions and basic formulas for calculating them,
can be found in "Measuring What Matters, Outcome and Performance Measures for the Pretrial Services Field."
National Institute of Corrections NIC Accession Number 025172. Aug. 2011. Web. 21 Dec. 2015.

Implementation Considerations

There may be significant cultural barriers to overcome when implementing a pretrial release process. Judges must be convinced to rely on an evidence-based risk assessment tool, which requires them to trust science in lieu of their instincts.

Jurisdictions must identify their law enforcement partners, and clearly define roles. Court officials, county officials, prosecutors, the criminal defense bar, law enforcement officers, and jailers must all be involved to ensure successful transition from a release process based on bail to an evidence-based pretrial release decision based on risk. Criminal court rules may need to be changed or legislation proposed, depending on local and state laws.

There are a number of major considerations to take into account when securing pretrial management software or services. These include:

- Cost
- Funding and procurement
- Governance
- Change management and communication planning
- Constitutional, legislative or rule changes
- Functional and operational considerations
- Pilot and rollout

Cost

Prior to developing a formal project budget, and before determining funding sources, it is important to understand the variety of costs associated with the project. To create an accurate budget, the project team must have a good understanding of development, support, and maintenance costs long-term.

Document workflow processes and meet with the development team to discuss application requirements and development costs. Identify other costs not associated with initial development, including end-user training, support, and ongoing software maintenance. This is especially important if a vendor will be engaged.

Also consider the locations where users will need access to the system, and the types of devices they will need. If the application will be used off of network sites, funding may be needed for tablets or laptops with Wi-Fi accessibility. If your application will need to be mobile-device enabled, that requirement may increase the cost of development or ongoing support.

Funding and Procurement

Identifying funding is of particular importance. The project sponsor advocates for adequate funding to ensure success in the procurement process. Courts must ensure that any new technology implemented would provide a sufficient value to the organization to justify making the purchase. Calculate the potential return on investment. A pretrial release system should result in significant jail savings that can be used to fund development or procurement.

More importantly, the court should establish a budget, identify funding sources, and understand financial limits prior to engaging in the procurement process. Inadequate funding and inadequate project planning can result in implementation delays and unanticipated costs. The court's funding plan should also cover contingencies for unanticipated technical issues as well as changes to existing legislation or uniform rules that may change during the procurement process.

Typically, procurement and contract activities are formalized processes that happen at the state level or within the finance division of local appropriations bodies. Courts should consult the office of planning and budget to ensure adherence to general rules regarding procurement. The anticipated cost of the project will drive whether the project may be appropriate for a Request For Quote (RFQ), Invitation to Bid (ITB), or a more formalized, larger project that requires a Request For Proposal (RFP), with a defined scope of work.

Governance

When creating a new pretrial services process, a broad list of criminal justice and government partners should be invited to participate. Involving judges and prosecutors with some understanding of criminal justice statistics can be invaluable when presenting the risk assessment to the judiciary at large. Other stakeholders should include representatives from the court clerk's office or the records-keeping officials, criminal justice researcher(s), individuals with experience and understanding in the unique issues inherent in the pretrial field, jail administration, and representatives from the prosecutor's office, the defense bar, the public defender's office, state and local legislative members, and state-level criminal justice administrators.

Assemble a stakeholder work group to document each step in the pretrial process. Law enforcement, jail staff, courts, clerks, prosecutors, defense bar, IT staff and the agency tasked with assembling the risk assessment tool must work together on three key aspects:

- Legal implications related to the use of the tool.
- Practical working insight on implementation and use.

- Buy-in from all parties.

The project sponsor must have clear ownership and a willingness to lead the initiative. He or she might be a chief judge, court administrator, or chief technology officer, depending on the needs of the jurisdiction. Once the sponsor is identified and stakeholders are engaged, formalize the project governance structure through documentation and communication to members and partners. It is important to maintain the governance structure throughout implementation. Secure time commitments and agree on project goals and commitments from each

Change Management and Communication Planning

Change management is an important aspect of the project. The court must have a concrete communication plan that will "sell" the benefits of a pretrial assessment tool to those who will be impacted, including the public. All stakeholders must be informed about what to expect from the new pretrial process and how it will differ from past practices. Communicating how the pretrial assessment tool will improve the service provided by the courts will counteract natural resistance to change.

Leadership in the organization should publicly advocate for change and it should be communicated as an organizational priority. The chief or presiding judge, in conjunction with the court administrator, must be well-informed and unified in messaging about the significance of implementing a pretrial assessment tool. The court should be deliberate in creating and hosting forums for feedback, establishing a cross section of subject-matter experts that are able to communicate the benefit of the project based on current and new defendant or docket management practices, and creating ongoing tangible opportunities to see and use the technology prior to the go-live stage.

A good change management plan can help users accept new tools more readily, and recognize their value to the organization and the community.

Constitutional, Legislative and Rule Changes

Effective implementation of a Pretrial Risk Assessment Tool requires a careful examination of the collection, flow and delivery of information among stakeholders and a jurisdiction's existing constitutional provisions, statutes and court rules. At the outset, attention must be focused on the state constitution, statutes and rules of procedure that pertain to the pretrial process; the setting of bail, if applicable; and any pretrial release conditions that may be authorized to determine consistency and if any changes to existing law is necessary to implement reform. Several jurisdictions implementing new pretrial release processes are doing so with sole reliance on the creation and adoption of court rules.

Functional/Operational Considerations

Using a pretrial risk-assessment tool will change how the courts use and retain information. The tool will score the defendant's information and generate a report, which is passed on to the courts and the parties involved. Once the tool is used, the information must be retained in some way.

Important legal issues to address relating to confidentiality include how, with whom, and how long the information will be stored/retained, and who will be permitted to access it. Processes as well as policies should be established to provide practical working insight into the implementation and use of the tool, including the availability of data, limits on sharing information, and how to access data. Ensure buy-in from all parties and focus toward a common purpose and mission.

Before project planning can begin, document the business processes and data mapping for the workflow required to use an assessment tool:

1. Identify data to be collected, and the parties responsible for collecting it.
2. Determine the collection point for each data element, and the process(es) and device(s) to be used for collecting it.

For example, a pretrial officer might collect information directly from a defendant in custody in a holding area using a laptop computer connected to a wireless network. Historical data elements would be collected via interfaces or direct access to other agencies' databases or repositories.

Use open standards such as National Information Exchange Model (NIEM) wherever possible to ensure that systems can communicate and exchange data. Access points must be identified for all data elements comprising measures which are essential to creating a pretrial risk assessment.

Pilot and Rollout

Before implementing a pretrial risk assessment tool throughout a jurisdiction, consider a pilot rollout with a single judge or court, utilizing practitioners who have been active project team members. This approach offers several advantages:

- If changes to laws or court rules may be required, a pilot project can provide insight, helping identify efficient and effective approaches to address the changes needed, and ease the way for those changes.
- Piloting provides an opportunity to work out problems and perfect processes in a controlled, limited environment.

- A pilot facilitates the data collection and performance measurement that may be needed to refine the tool.
- The pilot will help validate all aspects of the system prior to a comprehensive rollout, and build confidence in the use of the tool.

Prior to full roll out, other pilots should occur for the full variety of user devices and work settings to ensure access and usability. Pilot both networked and non-networked locations, court-provided devices, and BYOD. Use IT performance monitoring tools to ensure the application can successfully manage the volume of users and data.

When project objectives for system performance and functionality have been met, the system can be deployed completely or in waves, depending on the size of the jurisdiction and the resources available to support the rollout.

Finally, once all locations are running and success has been validated, a project closing meeting should be held. All project notes and information should be retained in an easily accessible location, and the project formally closed out.

Summary

Automated pretrial risk assessment is a new field of technology initiative, requiring both access to the latest research by skilled individuals who understand the principles involved, and collaboration with IT professionals across multiple agencies to implement and maintain the hardware and software required. However, in terms of scope and complexity, an automated pretrial release tool is a relatively small project with the potential for significant social and fiscal benefits.

The process of developing and implementing a data-driven pretrial risk assessment tool involves bringing together stakeholders with different agendas and varying mindsets to work toward a common goal. Changes may be required within the state's criminal justice system, and may lead to the creation of new programs or initiatives.

The American system of justice, including the frontend or pretrial phase, demands objective fairness in all of its dealings. A pretrial assessment tool can improve judicial decision making, increase public safety, save taxpayer dollars, and help end the cycle of crime that traps some defendants, and is a better alternative to the money bail system.