

ASD Role in PreTrial Work

LPSCC Presentation
June 2023



DEPARTMENT OF
COMMUNITY JUSTICE

Agenda

- Brief History and National Perspective
- DCJ's Current Process
- Data and Research Expectations

Acknowledgements

- Justice System Partners
- Management team:
 - Lisa Lewis (Senior Manager)
 - Cassandra Hernandez (Sworn CJM)
 - Karla Upton (Sworn CJM)
- All our Multnomah County System partners

DCJ's History of Pre-Trial

- DCJ has two Units that work with pretrial clients: Recog and PSP (Pretrial Services Program).
- We have always considered this to a partnership with the Oregon Judicial Department. At least 30 years old.
- DCJ is responsible for the administration and management of the employees and program, OJD is responsible for establishing release criteria via Presiding Judge Order (PJO).

DCJ's History of Pre-Trial (Continued)

- We have a history of using risk instruments in our release decision. At least three: Recog tool, Modified Virginia Pretrial Risk Assessment (MVPRA), and now the PSA.
- Historical practice used Pretrial instruments as a release decision instrument. (release of not)
- The PJO allowed for Recog to override subjectively.
- Our pretrial monitoring program assigned defendants via crime and not necessarily risk.

National Perspective

- Strong Reminder: These individuals and Defendants and that they are all innocent until proven guilty.
- That **Money Bail** systems do not have any scientific evidence of reducing pretrial failure.
- That **Money Bail** systems only further disproportionately affects defendants of color (increases racial disparities).

National Perspective (Continued)

- Most defendants are releasable, and that pretrial detention should only be reserved for those defendants that pose a significant risk to FTA, or commit a new crime while on release.
- Pretrial risk assessment instruments should be used for identifying post release monitoring levels, rather than used as a release decision.

DCJ's Current Role in Pretrial Supervision

- DCJ has two Units that work with pretrial clients: Recog and PSP (Pretrial Services Program). Both programs have undergone changes to business practices resulting from recent reform efforts.

Recog's Role- PSA

- After an individual is booked into custody at Multnomah County Sheriff's Office, Recog will administer the Public Safety Assessment (PSA).
- The PSA is an automated tool that uses 9 factors to predict the likelihood of an individual failing to appear for court dates and/or committing new criminal activity during the pretrial period.
- Recog will utilize the PSA to assess all jail bookings that are related to new criminal charges or for a warrant related to a pending criminal case.
- The PSA risk level will recommend the level and conditions of pretrial monitoring. The PSA does not determine whether someone will be released prior to their arraignment.

Recog's Role- PJO

- Recog will apply the new Presiding Judge's Order (PJO) to all MCSO jail bookings for new charges or warrants related to a pretrial case (ex: FTA, Indictment warrants).
- The PJO will place an individual in Release Guideline 1, 2 or 3 and is the tool responsible for determining a defendant's release prior to their arraignment.

The PJO and Release Guidelines (RG)

- **RG1:** Most non-person misdemeanors and felonies. Defendants in RG1 are released by Recog pre-arraignment on their own recognizance (ROR) and are not referred to pretrial monitoring.
- **RG2:** Non-DV person misdemeanors; non-DV person Class C felonies; Non-DV Class B felonies; DUII's. Defendants in RG2 are released by Recog pre-arraignment and referred to pretrial monitoring (level of monitoring is based on their PSA score).
- **RG3:** Measure 11 charges; DV charges; violent felonies; Class A felonies; sex offenses; felon in possession of a firearm; escape and a few other more serious charges. RG3 cases are **not** released by Recog prior to arraignment and are forwarded to OJD's Release Assistance Officers (RAO's) for an interview.

Note: After determining the initial release guideline, Recog will review for any overrides as indicated within the PJO.

PSP's Role

- Based on an individual's PSA risk score, defendant's will be referred to either PSP (DCJ) or Closed Street Supervision (CSS - MCSO)*.
- * An exception is being made for any defendant on med/high risk community supervision through DCJ. PSP and DCJ PPO's will work in tandem on these cases: they will be supervised by the current PPO and court dates/reports will be monitored by PSP.
- An improved matrix system that reviews a Defendant's compliance every 6 weeks will indicate whether they are being monitored at an effective level, or if the we need to consider a move up or down in supervision level.
- PSP and CSS has a newly developed review and response guide that will help ensure consistency when responding to non-compliant behavior.

Accountability (Outputs)

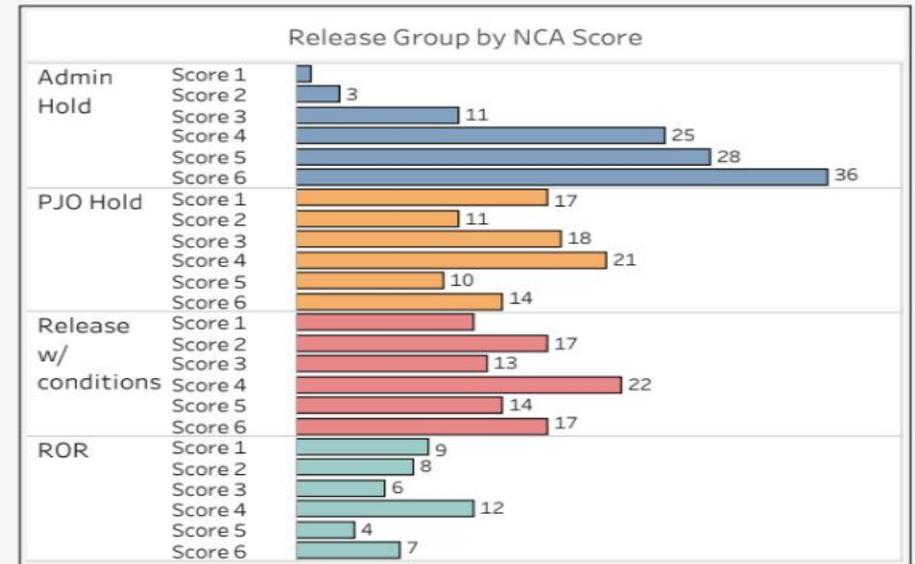
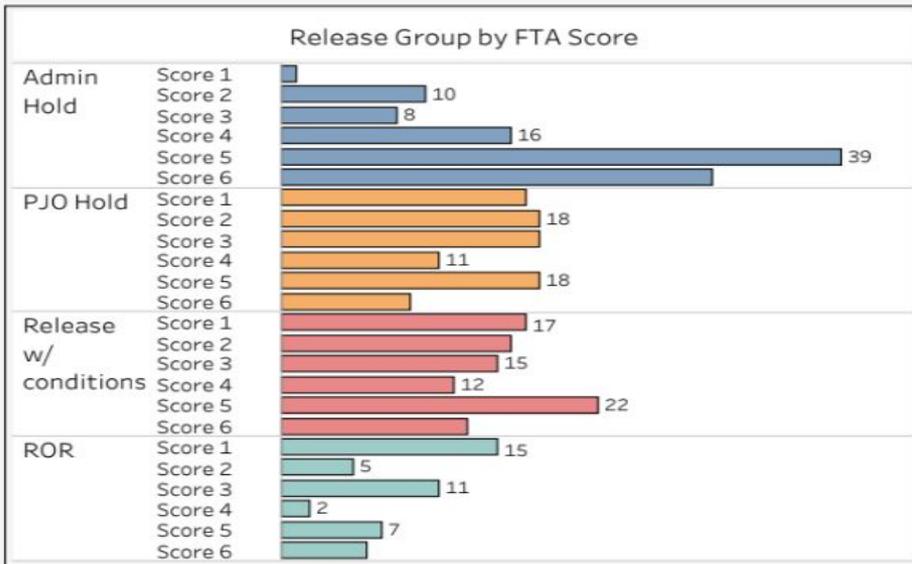
Short-term

Dashboard: An extensive dashboard was created to allow direct line staff, management, and leadership access to:

- **Assessments:**
 - Number of assessments (inprogress, published, etc.) and exclusionary rates and reasons.
 - Racial and gender disparities among assessments.
 - Cross reference assessments (FTAs and NCAs)
- **Releases:**
 - Number of percentage of release.
 - Crime associated with the release decision.
 - PJO associated with the release decision.
 - Override decisions.
 - Racial and gender disparities among release and overrides.
- **Domestic Violence and gun violence:**
 - Special monitoring was made available for those charged with domestic violence OR gun charges

Completed Assessments		
	Count	% of Total Assessmen..
Completed (Pending Publishing)	29	5%
Excluded	189	34%
In-Progress	2	0%
Published	336	60%
Queued	2	0%

Reason for Excluded Status		
	Count	% of Assessments
Book & Keep	2	1%
County Hold	81	43%
Facility Hold	3	2%
Fugitive	9	5%
PV (Parole Violation..	49	26%
Trans Leave Violator	4	2%
US Marshal Hold	41	22%



Accountability (Outcomes)

Long Term-Outcome Validation Study

We will complete a validation of the PSA within two years and will include:

- Overall prediction: How well does it predict overall as it relates to failure to appear and/or new charges.
- Item prediction: How well do each of the items predict failure to appear and/or new charges.
- Racial/Gender Disparities: How well does the tool predict across racial/ethnic identities and/or gender identities.
- Severity Disparities: How well does the tool predict across levels of risk.

Closing

- The PJO makes all release decisions and eliminates subjective decisions made by regog.
- Our monitoring system will be a combination of risk/crime based with the ability to move defendants from one level of monitoring to another.
- DCJ will control all back-end data for both research and operational guidance.