

Pretrial Reform Briefing: The PSA and Changes to Pretrial Monitoring



Supported by the John D. and Catherine T. MacArthur Foundation

Project Goals

- Build a risk-informed pretrial system that increases pretrial release without compromising victim safety, public safety, and court appearance
- Reduce racial and ethnic disparities in the criminal justice system
- Maintain a safe and manageable jail population

Agenda

- Welcome
- Local Implementation of the PSA - DCJ
- PSA Scoring Application - DCA-IT
- Changes to Pretrial Monitoring - MCSO/DCJ
- Measuring Success - LPSCC
- Questions

DCJ Recognizance Unit

May 12, 2023

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DCJ's Recognizance Unit

- **DCJ's Pretrial Services consists of the Recognizance Unit (Recog) and the Pretrial Services Program (PSP).**
- **DCJ has worked with LPSCC, the MacArthur Foundation, Oregon Judicial Department, DA's Office, Defense Bar, MCSO, Justice Systems Partners and Multnomah County IT Department to prepare for the 6/1/2023 launch of the Public Safety Assessment (PSA).**

Multnomah County Presiding Judge's Order (PJO)

- **The DCJ Recog Unit is the designated entity to carry out the release process outlined in the PJO, including completing the Public Safety Assessment (PSA) and imposing release conditions as outlined in the order.**
- **The PJO determines release guidelines for all persons booked into the Multnomah County jail.**
- **Recog staff are responsible for applying the PJO and any applicable overrides to all new crimes, including warrants associated with pre-sentenced cases.**

New Risk Assessment: Public Safety Assessment (PSA)

- DCJ has replaced the Virginia Risk Assessment Instrument (VPRAI) with a new pretrial risk tool, the Public Safety Assessment (PSA).
- The PSA does not require an interview, as the factors in the assessment can all be gathered from electronic records.
- The PSA does not rely on factors such as mental health, substance abuse or housing, and instead focuses on criminal history and FTA history.

Public Safety Assessment

- **The PSA is an evidence-based, pretrial risk tool that consists of nine factors that are meant to predict a Defendant's risk of committing a new crime while on pretrial release and failure to appear.**
- **The PSA will assess all persons booked into the Multnomah County jail for new crimes, including warrants associated with a pre-sentenced case.**
- **Whereas the PJO determines release prior to arraignment, the PSA score is meant to determine the level of pretrial monitoring.**

PSA Risk Factors

Risk Factor	Pretrial Outcome		
	FTA	NCA	NVCA
1. Age at current arrest		✓	
2. Current violent offense			✓
2a. Current violent offense and 20 years old or younger			✓
3. Pending charge at the time of the offense	✓	✓	✓
4. Prior misdemeanor conviction		✓	
5. Prior felony conviction		✓	
5a. Prior conviction	✓		✓
6. Prior violent conviction		✓	✓
7. Prior failure to appear pretrial in past 2 years	✓	✓	
8. Prior failure to appear pretrial older than 2 years	✓		
9. Prior sentence to incarceration		✓	

FTA – Failure to Appear; NCA – New Criminal Activity; NVCA – New Violent Criminal Activity

PJO and PSA Roll-Out

- March 2023: Recog staff were trained to the PSA risk tool.
- May 2023: Recog staff will train to the newly developed PSA application and the newly amended PJO.
- Beginning 6/1/2023, Recog will begin implementing the use of the PSA.
- Recog will assist in the ongoing validation of the new PSA application and monitor workload and staffing levels.



Pretrial Executive Briefing: PSA Scoring Application

05/12/2023

- PSA Scoring Application Overview
 - Automation
 - Reporting Database
 - Application training
 - Launch plan



Automation Overview

Since the Recog CTs will be processing a high number of bookings to create assessments and the PSA Defendant Report, DCA-IT wanted to pre-populate as much data as possible via automation.

Through collaboration with the Sheriff's office IT organization, OJD and DCJ, we have been able to automate the following data elements:

- SWIS: bookings and other supporting data
- DSSJ which is Multnomah County data only: pending charges, failure to appear, conviction history and active supervision, bench probation
- CIS: active supervision, post conviction

Manual Entry Overview

Integration with ODYSSEY [court system] for state data and Law Enforcement Data System [LEDS] and National Crime Information Center [NCIC] for national conviction data has been deferred to a future release. So state and national conviction history will be need to be typed in by the Recog CTs.



Reporting Database Overview

Since DCJ and LPSCC will be performing a validation study after PSA application go live, DCA-IT is coordinating the creation of a reporting database. The reporting database is a copy of the application's database and allows analysts to run queries and generate reports as needed.

Why do we need a separate reporting database?

It is a best practice in IT to not query the database directly and instead use pre-created reports. A separate reporting database allows analysts to review and query system data without worrying about negatively impacting the applications database performance and/or causing degraded application experience to users.



Application Training Overview

- Recog CT PSA scoring application usage training
 - As agreed upon with the Recog Manager, six sessions will occur over the course of three days the week of 5/15/2023
- PSA Access Administrator Training [a.k.a. gatekeeper]
 - Overview: each of the following groups using the PSA scoring application has an assigned access administrator
 - i. DCJ staff (Recog, BAT and PSP)
 - ii. MCDA staff
 - iii. MCSO CS staff
 - iv. Multnomah Defenders staff
 - v. Metropolitan Public Defender staff
 - vi. Oregon Judicial Department staff
 - vii. Private Attorneys
 - Documentation: process documentation is being drafted and provided to the administrators
 - Training
 - i. Two one hour sessions are occurring with administrators before go live
 - ii. A handful of sessions with the internal and external users will occur before go live



Launch Plan Overview

The PSA Scoring application will be going live on **6/1/2023**. What does this mean:

- eRecog would be used for all bookings up to 5 a.m. on 6/1/2023 with the interview batch sent to partners at 5 a.m.
 - Arraignments on the morning of 6/1/2023 would be done using the MVPRAI assessment
- Anyone booked after 5 a.m. on 6/1/2023 would have a PSA Defendant report prepared by the Recog CTs and accessible by partners, no later than 5 a.m. on 6/2/2023
 - Beginning 6/2/2023 all arraignments will be performed with the PSA Defendant report and not the MVPRAI

This date recommendation is due to the following:

- It avoids the Memorial Day holiday weekend
- It allows time to complete testing and training for internal and external users
- Thursday is a high staffing day for the Recog CTs





QUESTIONS?

Changes to Pretrial Monitoring Launching June 1, 2023

May 12, 2023



Risk Assessment & Case Assignment

- Historically, cases have been assigned to DCJ's Pretrial Services Program ("PSP") or MCSO's Close Street program based upon their charges.
- With upcoming reforms, cases will be assigned according to assessed risk, with some room for judicial discretion.
- Risk scores for Failure to Appear ("FTA") and New Criminal Activity ("NCA") are calculated using the Public Safety Assessment ("PSA"). The scores increase as the likelihood for non-appearance or new crimes increases.

Risk

- Risk scores will be combined to determine the Pretrial Monitoring Level (“PML”)
- Each PRS client will be assigned to a specific PML by the Court

Pretrial Monitoring Level Matrix

	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
FTA 1	ROR	ROR				
FTA 2	ROR	ROR	ROR	Level 1	Level 2	
FTA 3		ROR	ROR	Level 1	Level 2	Level 3
FTA 4		Level 1	Level 1	Level 1	Level 2	Level 3
FTA 5		Level 1	Level 1	Level 2	Level 3	Level 3
FTA 6				Level 3	Level 3	Level 3+

Risk-Based Case Assignments

	PML 1	PML 2	PML 3	PML 3+
New offense charged while on formal supervision (MultCo field supervision)	PSP	PSP	PSP	PSP
All other new charges / scenarios (including new charge while on reduced supervision caseload or out-of-county supervision)	PSP	CS	CS	CS

Pretrial Monitoring Levels: Reporting Schedules

PML	Reporting Instructions
Level 1	Report to Pretrial Services Program once per month by phone.
Level 2	Report to Close Street once every other week by phone.
Level 3	Report to Close Street once per week by phone.
Level 3+	Report to Close Street once per week by phone, and once per month in person. Electronic Monitoring conditions (GPS, SCRAM, Breath) may be used, when appropriate.

Behavior: Compliance & Non-Compliance

- Compliance is assessed by tracking whether a client complies with their Court-ordered release conditions, including
 - Check-ins by phone
 - Standard conditions (such as court appearance, DV no contact orders, etc.)
 - High-risk conditions (GPS, SCRAM, Breath testing, home visits)
- There are standardized incentives for complying with release conditions and consequences for non-compliant behavior

Monitoring Compliance: 6-week Reviews

Current PML	Compliance Time Goal	If Goal is Met
Level 3+	6 consecutive weeks	CS should alert the defense attorney and DDA that the client is eligible for removal of EM-related conditions from the client's Release Agreement. CS should reduce reporting requirements to Level 3.
Level 3	6 consecutive weeks	CS should reduce reporting requirements to Level 2.
Level 2	6 consecutive weeks	CS should reduce reporting requirements to Level 1.
Level 1	6 consecutive weeks	PSP should change the method of reporting to automated check-in and assign the client to the Casebank or Low-Limited caseload.
Casebank / Low-Limited	6 consecutive weeks	PSP should request removal of the pretrial monitoring condition from the client's Release Agreement.

Behavior: Non-compliance

- Non-compliance events are categorized into minor, moderate, and serious events

Table B: Categories of Non-Compliance Events		
Minor Events <i>The non-compliance generally shows a lapse in judgment and does not cause harm to self or others.</i>	Moderate Events <i>The non-compliance generally shows a disregard for court orders and/or pretrial monitoring.</i>	Serious Events <i>The non-compliance generally shows a willful and/or repeated disregard for court orders and/or pretrial monitoring. Such events may also cause or present a risk of harm.</i>

Behavior: Non-compliance

- Pre-arranged or excused events do not count as a non-compliance event (e.g. a client knows that she will not make her curfew because she is working overtime, so she advises the deputy)
- Some examples of non-compliance events. . .

Client has failed to comply with court-ordered curfew up to twice in the last 6 weeks	Client has failed to comply with court-ordered curfew 3 or more times in the last 6 weeks	Client has contacted the alleged victim, despite an active release condition prohibiting contact
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Risk + Behavior: Consequences for Non-Compliance

Table A: Response Matrix	Minor Event	Moderate Event	Serious Event
Casebank / Low-Ltd	<u>LOW response</u>	LOW or MED response	MED or HIGH response
Level 1	LOW response	LOW or MED response	MED or HIGH response
Level 2	LOW response	<u>MED response</u>	HIGH response
Level 3	LOW or MED response	MED or HIGH response	HIGH response
Level 3+	MED or HIGH response	MED or HIGH response	<u>HIGH response</u>

Standardized Response: LOW

- Meet with client in-person or by phone. Discuss consequences of future non-compliance and benefits of compliance.
- Review Release Agreement with client.
- Should consult with attorneys and/or client's support systems to recruit assistance with maintaining compliance.
- Document actions taken in case management system.

Standardized Response: MEDIUM

- Meet with client in-person or by phone. Discuss consequences of future non-compliance and benefits of compliance.
- Increase reporting frequency by one level and provide new Conditions of Release form with a new reporting schedule.
- Review Release Agreement with client.
- Discuss client's needs and/or desire for services in the community. Provide information for such services, upon request.
- Complete compliance plan that includes next court date(s), next reporting date(s), and information about services available in the community.
- Prepare and send Non-Compliance Report to attorneys & court along with compliance plan.

Standardized Response: HIGH

- Report violation to Court and request revocation warrant (staff with supervisor prior to submitting warrant request)
- Advise attorneys of non-compliant behavior and action taken.

Questions from the Chair's Office

- What will the roll out look like?
- How has staff been trained to implement?
- Does this help address failure to appear and new criminal activity or failure to appear only?
- What will monitoring look like?
- Will monitoring be improved?

Tracking PSA Performance and Other Pretrial Outcomes

Why Track Outcomes Related to the PSA?

- Determine what's working and what isn't
- Track changes over time
- Respond to media and public



Questions for Tracking the PSA

- What is the volume of cases between Close Street and PSP? Is it more or less than expected?
- What is the rate of pretrial success pre and post PSA launch?
- What is the impact of the PSA on racial and ethnic disparities?
- What pretrial monitoring conditions are being recommended to the court?
- Do the risk scores align with state mandated conditions for holding defendants in custody?
- How are cases of special consideration such as DV and gun possession charges being handled?
- How often do judges' decisions align with the PSA report's recommended release level?

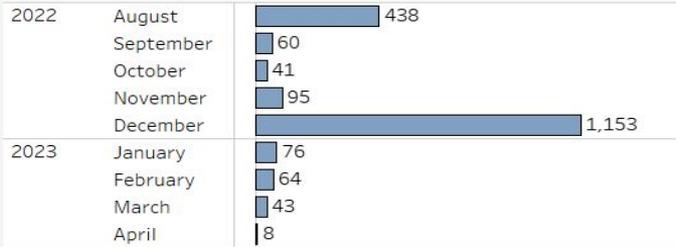


How PSA data will be tracked

- New Tableau dashboard created from PSA reporting database
 - Temporary solution, we'll eventually have built-in PSA reporting
- Additional case management data from MCSO and DCJ
- Weekly reviews to discuss data and any potential changes to policy or practice



Number of Assessments per Month



Pretrial Monitoring Level by FTA and NCA

	NCA 1	NCA 2	NCA 3	NCA 5	NCA 4	NCA 6
FTA 1	528 ROR	77				
FTA 2	23 ROR	43 ROR	271 ROR	1 LEVEL 2	62 LEVEL 1	
FTA 3		37 ROR	127 ROR	46 LEVEL 2	116 LEVEL 1	10 LEVEL 3
FTA 4		6 LEVEL 1	85 LEVEL 1	84 LEVEL 2	57 LEVEL 1	19 LEVEL 3
FTA 5		4 LEVEL 1	2 LEVEL 1	59 LEVEL 3	159 LEVEL 2	33 LEVEL 3
FTA 6				43 LEVEL 3	14 LEVEL 3	67 LEVEL 3+

Select Filter(s)

Month, Year
(All)

Race/Ethnicity
(All)

Gender
(All)

Monitoring Level
(All)

Active Supervision
(All)

PSA FTA Score
(All)

PSA NCA Score
(All)

Release Group
(All)

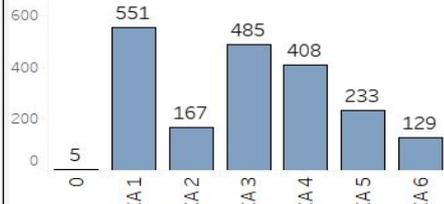
DV Charges
(All)

Violent Charges
(All)

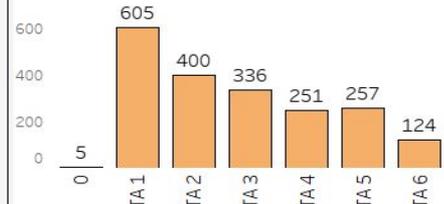
Charge Level
(All)

Charge Description
(All)

PSA - NCA Scores by Number of Defendants



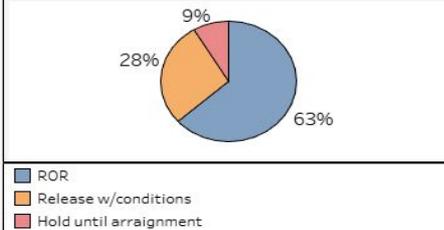
PSA - FTA Score by Number of Defendants



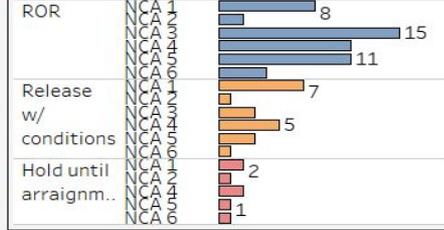
Ten Most Common Charges

	MIS	UNK	FEL	G.. F
COUNTY HOLD	2	209		211
Unauthorized Use of a Vehi..	7		188	192
Possession of a Stolen Vehi..			173	173
USM HOLD	3	140	6	149
Criminal Mischief in the .. I.		138		138
Assault in the Fourth Degree	116		13	127
Reckless Driving	115			115
Unlawful Use of a Weapon			109	109
UNLAW USE WEAPON			108	108
Criminal Trespass in the Se..	95			95
Grand Total	355	348	356	849

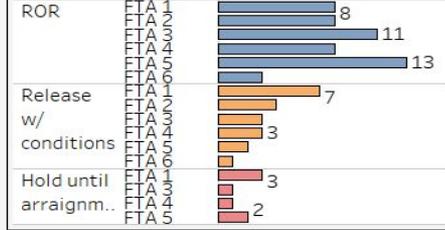
Defendants by Release Group



Num. Defendants by Release Group & NCA



Num. Defendants by Release Group and FTA



Pretrial Metrics Working Group

- Plan is to create an internal and public-facing dashboard. Dashboards will allow partners to monitor pretrial trends and serve as a resource for the general public/media for topics including FTA rates, pretrial release, racial/ethnic disparities.
- Consists of analysts from DCJ, MCDA, MCSO, OJD, LPSCC, and DSS-J- IT. Working on creating a system-wide pretrial dashboard.
- Worked with SJC Policy Team to develop performance measures for the dashboard. Currently starting with seven metrics.



Next Steps for Pretrial Metrics

- Continue to work on modeling pretrial metrics
 - Finish the seven pretrial metrics (End date: June/July 2023)
 - Monthly group meetings and 1:1 work sessions
 - Facilitate in-person joint session with working group and policy makers
 - Model dashboard in PowerBI
- In collaboration with leadership, set a deadline for the pilot report
 - Proposed deadline: September 30, 2023



