

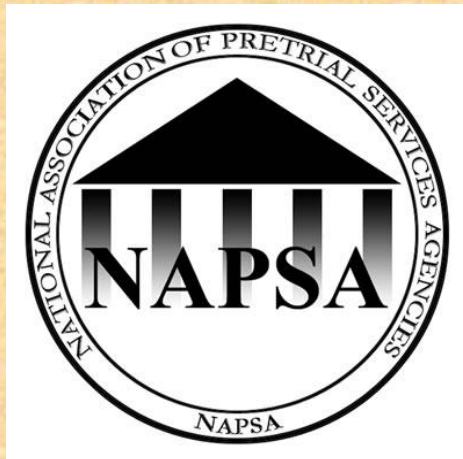
# Welcome to the NAPSA Pretrial Fundamentals Curriculum

## Session 2: Risk Assessment

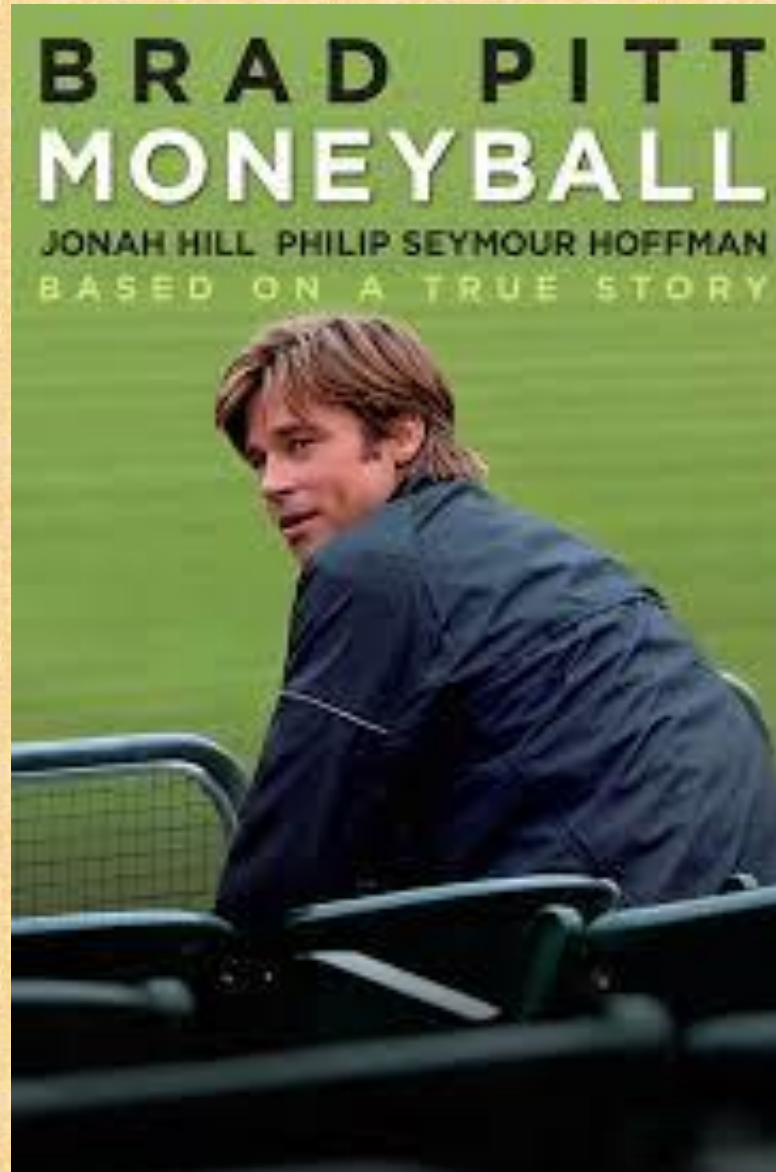
Aaron Johnson

Director, Galveston County Personal Bond

NAPSA Education Committee Chair



# Moneyball?



“Subjectivity ruled the day in evaluating players, we had a completely new set of metrics that bore no resemblance to anything you’d seen. We didn’t solve baseball. But we reduced the inefficiency of our decision making.”

*“In many instances, the challenge is in taking a clear-eyed view of the data, which often involves filtering out emotional responses to data and player performance.”*

~Paul DePodesta, 2011~



*“It’s easy to develop “affirmation bias. Once we’ve made up our minds, we resist information that doesn’t agree with our conclusion.”*

*“We turn to data as our flashlight in the cave, our guiding light. We said unless we can prove it, we’re not going to believe it.”*

*~Paul DePodesta, 2011~*





# ACTUARIAL RISK ASSESSMENT TOOLS

- Objective: conducted exclusively on things that can be counted or quantified
- Based on data that form patterns of the past
- More accurate than subjective assessments
- Used to guide discretion



# RISK ASSESSMENT

## AUTO INSURANCE

- Age
- Distracted driving
- Peer(s) in vehicle with driver
- Low driving skills
- Low compliance with traffic laws



# RISK MITIGATION

## AUTO INSURANCE



- Drivers education
- Restrict nighttime driving
- Prohibit peers as passengers
- Strict enforcement:
  - Wearing Seat belts
  - No texting, etc.



# RISK ASSESSMENT HEALTH

## Heart Attack

- Age
- Smoking
- Family history
- Obesity
- Sedentary lifestyle
- Diabetes
- Hypertension

## Cancer

- Age
- Smoking
- Family history
- Obesity
- Sedentary lifestyle
- Sunlight
- Diet





# RISK MITIGATION HEALTH

- Exercise
- Medication
- Smoking cessation
- Improved diet



# RISK ASSESSMENT IN OTHER JUSTICE AREAS

- Jail classification
- Specialty courts
- Sentencing
- Probation supervision levels
- Parole



# PRETRIAL ASSESSMENTS



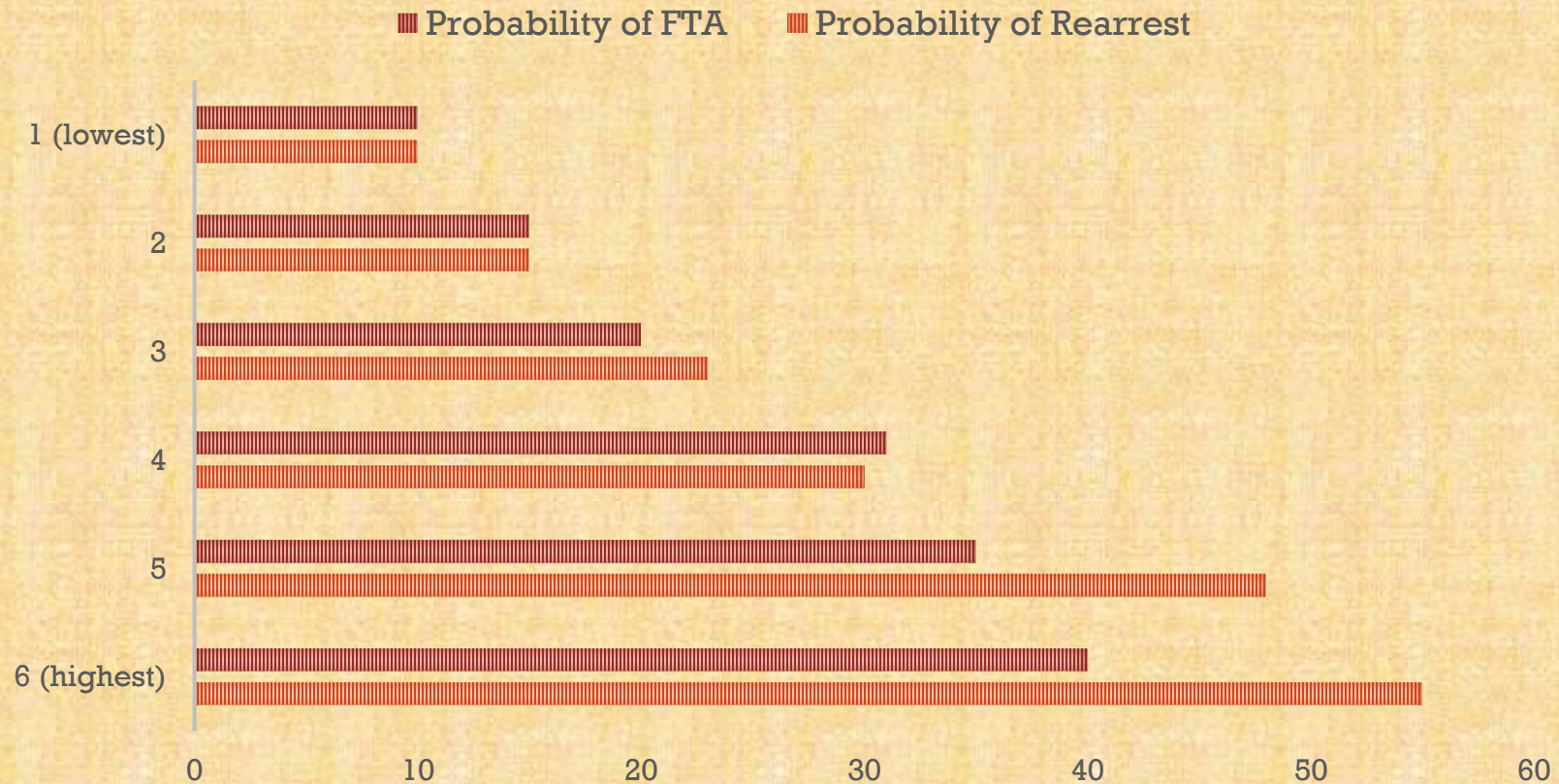
# GOALS OF PRETRIAL ASSESSMENT

Assessed Level of Non-Compliance		
Location	Low	Medium/High
Release Without Conditions	Yes	No
Supervised Release	No	Yes





# ASSESSMENT & PRETRIAL RELEASE



# HOW PRETRIAL ASSESSMENT TOOLS ARE VALIDATED

- Data sample is drawn and examined
- Shared characteristics measured for predictive strength
- Pretrial level assigned according to probabilities
  - low, medium, “high”
- Model is tested to prevent unintended bias



# NAPSA & ABA STANDARDS ON PRETRIAL ASSESSMENT

- All defendants in custody should have one
- Assessments should be objective (when does your bias show?)



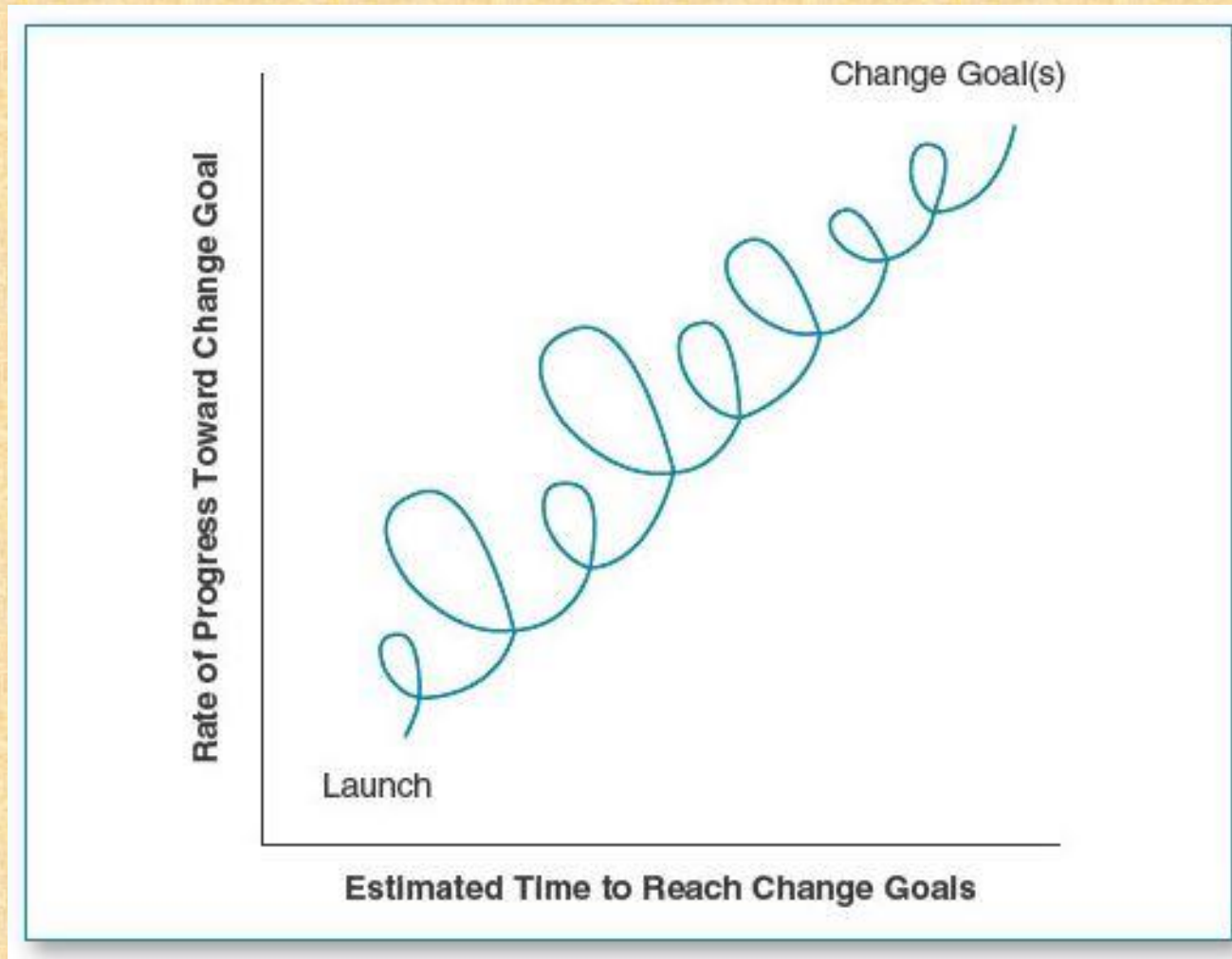
# ORGANIZATIONAL CHANGE

*Significant organizational change on the individual level is likened to the five stages that most people go through when they are faced with a terminal illness. The struggle begins with (1) shock and denial, (2) moves to anger, (3) to bargaining, or attempts to postpone the inevitable, on to (4) depression, and finally to (5) acceptance.*





# THE LOOP BACK MODEL



Burke, W. W. (2014). *Organization change: Theory and practice*. (4th ed.). Los Angeles: Sage



# COLORADO PRETRIAL RISK ASSESSMENT TOOL

Criteria	Points Assigned
Defendant does not have a working home phone or cell phone	5
Defendant does not own residence	4
Defendant does not contribute to residence's mortgage or rent	9
Defendant states current or prior problem with alcohol	4
Defendant been treated for mental health problems	4
Age at first arrest:	
This is the first arrest, or first arrest occurred after age 34	0
First arrest occurred between ages of 25-34	10
First arrest occurred between ages of 20-24	12
First arrest occurred before age 20	15
Defendant previously sentenced to jail or work release	4
Defendant previously sentenced to prison	10
Defendant has an active warrant	5
Defendant has other pending criminal or traffic charges	13
Defendant currently on supervision	5
Defendant has prior history of bond or supervision revocation	4
<b>Risk Level</b>	<b>Risk Score</b>
1 (lowest)	0-17
2	18-37
3	38-50
4 (highest)	51-82



# VIRGINIA PRETRIAL ASSESSMENT TOOL

Criteria	Points Assigned
Most serious charge for the current offense is a felony	1
Defendant has one or more charges pending in court at the time of the arrest	1
Defendant has one or more misdemeanor or felony convictions	1
Defendant has two or more failure to appears	2
Defendant has two or more violent convictions	1
Defendant has lived at the current residence for less than one year prior to the arrest	1
Defendant has not been employed continuously for the previous two years and was not the primary caregiver for a child at the time of arrest	1
Defendant has a history of drug abuse	1
<b>Risk Level</b>	<b>Risk Score</b>
1 (lowest)	0,1 points
2	2 points
3	3 points
4	4 points
5 (highest)	5 – 9 points



# PRETRIAL ASSESSMENT EXERCISE





# A TALE OF 4 ASSESSMENTS

Defendant	Points	Risk Level
George Torres	?	?
David Cramer	?	?
Michelle McComb	?	?
Wayne Richter	?	?



# PRETRIAL ASSESSMENT TOOL

Criteria	Points Assigned
Most serious charge for the current offense is a felony	1
Defendant has one or more charges pending in court at the time of the arrest	1
Defendant has one or more misdemeanor or felony convictions	1
Defendant has two or more failure to appears	2
Defendant has two or more violent convictions	1
Defendant has lived at the current residence for less than one year prior to the arrest	1
Defendant has not been employed continuously for the previous two years and was not the primary caregiver for a child at the time of arrest	1
Defendant has a history of drug abuse	1
<b>Risk Level</b>	<b>Risk Score</b>
1 (lowest)	0,1 points
2	2 points
3	3 points
4	4 points
5 (highest)	5 – 9 points



# ASSESSMENT OUTCOMES

Defendant	Points	Risk Level
George Torres	2	2
David Cramer	3	3
Michelle McComb	4	4
Wayne Richter	1	1



# Quiz





# WHAT BEST DEFINES WHAT “OBJECTIVE ASSESSMENTS” ARE?

- A. They are based on the judgment of those who have extensive experience in the field.
- B. They are based on the judgment of those who are highly intuitive by nature.
- C. They are based on things that can be counted or quantified.
- D. None of the above.



# WHAT HAS THE RESEARCH SHOWN ABOUT THE USE OF OBJECTIVE ASSESSMENT TOOLS?

- A. They are just as accurate as the subjective assessments of experts in the field.
- B. They are more accurate than the subjective assessments of experts in the field.
- C. While they are not as accurate as the subjective judgment of experts, they are better at assuring unbiased decision making.
- D. None of the above.



# WHAT STATEMENT BEST DESCRIBES WHAT A “VALIDATED PRETRIAL ASSESSMENT” IS?

- A. It is one that has been used for a number of years and has gained acceptance by those who use it.
- B. It is one that has been tested through rigorous research and found to successfully sort defendants into assigned categories
- C. It is one that is used in multiple jurisdictions.
- D. It is one that makes intuitive sense.





# FREE RECALL

