

SAFETY AND JUSTICE CHALLENGE CASE STUDY

# Risk Assessment and Structured Decisionmaking for Pretrial Release

Implementation Lessons from Charleston County, South Carolina, and Lucas  
County, Ohio

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# Risk Assessment and Structured Decisionmaking for Pretrial Release

Most people incarcerated in jails are pretrial detainees who have yet to be, and may never be, convicted of the charge that led to their booking. Periods of pretrial detention, even very short ones, can lead to poor outcomes in people's court cases and their lives. Evidence shows that people who are detained are more likely than those who are not detained to receive more punitive sentences and become involved in the criminal legal system in the future (Dobbie, Goldin, and Yang 2018; Lowenkamp, VanNostrand, and Holsinger 2013; Stevenson 2018). Incarceration can also have profoundly negative effects on a person's mental health and their ability to maintain employment (Dobbie, Goldin, and Yang 2018; Quandt and Jones 2021). For this reason, minimizing the use of pretrial detention is a focus of efforts to reduce incarceration and thereby support public safety and community well-being.

Actuarial pretrial risk assessments are common tools for guiding pretrial release decisionmaking and have been adopted by many of the local jurisdictions participating in the Safety and Justice Challenge (SJC) (box 1). These decision tools are built on prediction models that rely on a relatively small number of factors to categorize defendants based on their likelihood of two kinds of misconduct in the community: (1) failing to appear in court, and (2) committing new offenses during pretrial release. Pretrial risk assessment has become increasingly prevalent across the country over the past decade, and it has been advanced as an alternative to the use of monetary conditions of release (whereby pretrial detainees post bond to obtain release). Money bond has been subject to extensive critiques, including that it makes obtaining pretrial release difficult or impossible for people in poverty, who make up the majority of those held in jails, potentially leading to people being held in jail pending trial for long periods because of their inability to post bond (Dobbie, Goldin, and Yang 2018; Human Impact Partners 2020). At the same time, people with access to funds can secure release while facing more serious charges.

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## BOX 1

### The Safety and Justice Challenge Implementation Case Studies

The John D. and Catherine T. MacArthur Foundation launched the Safety and Justice Challenge in 2015 to address the misuse and overuse of jails, a main driver of mass incarceration in the United States. The cities, counties, and states participating in the SJC are working to rethink their local justice systems with strategies that are intended to be data driven, equity focused, and community informed and that safely reduce jail populations, eliminate ineffective and unfair practices, and reduce racial disparities. This case study is part of a series that examines how SJC network jurisdictions that received significant, sustained grant investment in comprehensive system reform worked to change the way they use jails. The case studies provide practical insights for other localities seeking to realize similar reforms.

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Using pretrial risk assessment, pretrial release decisions can be made more consistent, objective, transparent, and fair by relying on clear factors. The factors incorporated in a pretrial risk assessment can be transparent in a way that factors considered in unguided individual decisions by judges, magistrates, and others cannot be. However, as pretrial risk assessment has become a more prevalent practice, it has been subject to critiques about its potential for exacerbating inequities in the justice system, specifically the deep racial and ethnic disparities that characterize jail populations throughout the United States (Leadership Conference on Human and Civil Rights 2018; Pretrial Justice Institute 2020). A component of this critique is the reliance of pretrial assessment tools on measures of system involvement or criminal history such as arrests or convictions, which are products partially of individual behavior but also of where police and other legal system agencies focus their attention (Roberts Freeman, Hu, and Jannetta 2021).

These critiques of pretrial risk assessment are disputed by other experts in the field, who say that appropriately validated pretrial risk assessment instruments can improve pretrial decisionmaking and reduce pretrial incarceration without exacerbating racial and ethnic disparity (Desmarais, Monahan, and Austin 2021). More advanced artificial intelligence methods and incorporation of additional data sources may be the future of risk assessment but cannot be relied upon to resolve these challenges (Chouldechova and Lum 2020).

Emergent “minimum requirements” for responsible use of risk assessments in criminal legal contexts, as identified by civil rights advocates and experts on bias in machine learning,<sup>1</sup> include transparency in tool design and implementation, community oversight and governance, and ensuring decisions to detain a person pretrial are rare, deliberate, and not solely dependent on pretrial risk

assessment results (Robinson and Koepke 2019). Meeting these requirements is an implementation challenge on top of common problems with implementing pretrial risk assessment tools that include the time-intensiveness and cost of successful implementation, the need to secure stakeholder buy-in, and a lack of resources in the community to meet defendants' needs during the pretrial release period (Desmarais and Lowder 2019).

## How Pretrial Risk Assessment Works

Pretrial risk assessment tools are actuarial instruments developed using data on past pretrial release outcomes to predict the likelihood of future pretrial failure or success. To prepare a risk assessment report, a score is calculated that groups defendants by the probability that they will experience either of two types of misconduct during a period of pretrial release: failure to appear in court or rearrest for a new alleged offense.

Factors included in pretrial assessment tools are data points associated with pretrial outcomes. They may include risk factors (factors that make pretrial success less likely) and protective factors (factors that make pretrial success more likely). Risk factors could include a history of FTA or violent charges. Protective factors could include being employed or having a social network of support. Developing a pretrial risk assessment scale involves modeling the relationship of factors to pretrial release outcomes and assigning scoring weights to each item included in the instrument based on those relationships. A goal of this instrument construction is to create the most predictive model possible, but ease of use is also a consideration. For instance, some factors, such as ties to the community, can only be determined by interviewing defendants, and including an interview as part of the assessment process requires more time and labor than relying solely on administrative data. Once a risk assessment model has been developed, the best practice is to “validate” the tool on a separate sample from the one it was developed with. It is also important to validate a tool developed in one place for the local population if it is being implemented elsewhere (see Kim 2017 for more information on tool validation).

This case study examines how Charleston County, South Carolina, and Lucas County, Ohio, implemented pretrial risk assessment and used it to inform pretrial decisions as part of their efforts to reduce the misuse of their jails. To develop this case study, we conducted semistructured interviews with stakeholders involved in the SJC work in both jurisdictions; these consisted of 11 individual interviews in Charleston County and 9 interviews with 10 participants in Lucas County. Interview participants had a range of connections to local justice reform and jail use; they worked in courts, prosecution and defense, law enforcement, jail operations, pretrial services, as staff to criminal justice

coordinating councils (CJCCs), community advocates, and SJC technical assistance providers. We supplemented the interviews with reviews of internal and public-facing reports, CJCC publications and minutes, and other relevant documentation of progress.

## Risk Assessment and Structured Decisionmaking in Charleston County

Charleston County has a population of 408,000 and is home to Charleston, the largest city in South Carolina.<sup>2</sup> When Charleston County joined the SJC, the average daily population in its jail was 987 people (not counting detainees held for US Immigration and Customs Enforcement and other nonlocal and federal agencies), a jail incarceration rate of 311 people per 100,000 adults in the county (CUNY ISLG 2021).<sup>3</sup> Nearly 90 percent of people held in the jail were detained before trial, and the average length of stay at release was 20 days. Charleston’s jail population has a substantial racial disparity, as is common in jail populations across the United States. Just over a quarter of Charleston County residents are Black, but Black people constitute 70 percent of the jail population, for a jail incarceration rate 2.7 times that of the white population (CUNY ISLG 2021).

Collaborative local justice reform in Charleston County was catalyzed in 2015, when the county government formed the Charleston County Criminal Justice Coordinating Council, established a CJCC charter, applied for and was awarded its SJC grant, and hired a project director to guide that work (Charleston County CJCC 2016). Interview respondents characterized cross-agency collaboration before this as minimal, and the combination of (1) the formalized CJCC, (2) resources from the SJC, and (3) the primary goals of reducing the jail population and reducing racial and ethnic disparities in jail incarceration laid a foundation for substantial system change.

Charleston County stakeholders described an array of related reasons behind the county’s decision to pursue jail population reduction and address jail incarceration disparities. There was a general concern that the jail was not holding the “right” people. Many of the detainees were there for low-level charges, and some stakeholders described the jail being used as a de facto mental health facility. People were being held because they were too poor to secure release, and there were questions about the constitutionality of holding people in jail for significant periods when they hadn’t been convicted of the charge that brought them there. Some stakeholders saw a financial incentive for the county to reduce the jail population. Several traumatizing local incidents during the early phase of the local justice reform effort, most acutely the murders of nine people at the Mother Emanuel African Methodist Episcopal



Church and the fatal shooting of Walter Scott by officer Michael Slager in North Charleston, provided further impetus for a collective reexamining of local justice in Charleston County.

Overcrowding, a common motivator for focusing on jail population reduction, was not an issue facing Charleston County. A major expansion to the Sheriff Al Cannon Detention Center in 2010 increased the facility's capacity to over 1,900 residents, well above the actual jail population when Charleston County partners decided to pursue an SJC grant.

Implementation of pretrial risk assessment for bond setting was one of the six initial core strategies to change the use of jails developed by Charleston County in its SJC efforts.<sup>4</sup> These SJC strategies were to (1) implement a tool for law enforcement officers to fill out in the field to support greater uniformity in arrest decisions for low-level charges; (2) identify and create appropriate real-time alternatives to jail for people living with addiction, mental illness, and/or homelessness through a triage service located within the Tricounty Crisis Stabilization Center; (3) launch an automated court date reminder system to increase court appearances and lower the need for criminal bench warrants; (4) implement a pretrial risk assessment for bond setting to be more risk-based and less dependent upon the financial circumstance of defendants and make public defenders available to provide representation at bond hearings for those who qualify; (5) redesign expectations for the timeliness of case processing in felony and high-level-misdemeanor cases; and (6) create a centralized database where all agencies can share information and use data analysis to guide ongoing improvements (Charleston County CJCC 2017a).

## **Risk Assessment Selection and Implementation in Charleston County**

Bond setting was the core component of the process to determine pretrial release. Integrating pretrial risk assessment into the bond-setting process was intended to improve it in several ways. In the early stages of SJC planning, the Charleston County CJCC made its recommendation on the "right" use of jail in terms of risk: "Institute mechanisms to ensure jail is used for the right reasons (e.g., high-risk individual that needs to be in jail, not low-risk individual that can safely remain in the community)" (Charleston County CJCC 2016, 11). The risk-based bond setting strategy associated with this recommendation had specific goals of increasing use of nonfinancial bonds through risk-based bond setting from 51 percent of the bonds set in summary courts (where municipal and magistrate charges are handled) to 66 percent, and from 20 percent of bonds set to 30 percent in General Sessions courts (where all other criminal cases are handled; Charleston County CJCC 2016).

Charleston County stakeholders described the system goals for pretrial risk assessment as greater objectivity and equity in decisions at initial bond hearings. Stakeholders recognized that judicial

decisions on bond setting could be very subjective, and the absence of consistent, objective information provided to inform such decisions could exacerbate that subjectivity. Judges championing the move to risk assessment did so because they were making decisions with large consequences for defendants in a short period of time, although they wanted to preserve judicial flexibility in decisions. Some stakeholders went beyond the goal of general equity improvement to express the hope that more objective information in the form of risk assessment scores would reduce racial disparities in bond setting by reducing the operation of bias in such decisions. Routine presence of defense counsel at the bond hearings was also part of the strategy for realizing these aims, and stakeholders framed the use of pretrial risk assessment and provision of defense counsel as closely related components of their overall strategy to enhance fairness and consistency in bond hearings.

Tool selection and implementation planning was led by a CJCC working group. The working group collaborated with external consultants to determine the appropriate tool for the county. This was the subject of many CJCC meetings, including a pretrial symposium conducted for judges, prosecutors, defense, law enforcement, and other stakeholders by the Justice Management Institute in June 2017 (Charleston County CJCC 2017b), which led to selection of the Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R).<sup>5</sup> Among the benefits of the VPRAI-R was its availability to be used free of charge at a time when other pretrial risk assessment tools were not widely available for free. The assessment working group, later formalized as the CJCC's Bond and Reentry working group, oversaw work on the pretrial risk assessment throughout all the implementation stages.

Preparation for risk-based pretrial decisionmaking also involved steps to enhance system capacity and efficiency. The CJCC hired a manager of system utilization in 2016 to play a coordination role between the strategies focusing on chronic offending and risk-based decisionmaking at bail setting (Charleston County Public Information Office 2016). In the first quarter of 2016, the City of Charleston transferred its bond court to the centralized bond court, thus increasing the share of all bonds set in the county occurring in that court (Charleston County CJCC 2017a). The CJCC staff funded through the SJC grant developed a pretrial services database and installed protocols and procedures for the roles of the pretrial staff who would support the new processes. An infrastructure testing process involving 100 defendants piloted the process for independent screenings for indigence, representation of indigent defense counsel at bond hearing, and the preliminary use of the pretrial risk assessment tool before the bond hearing (Charleston County CJCC 2017a). In early 2017, the CJCC hired pretrial analysts who would be conducting pretrial assessment and trained them on fundamentals of pretrial justice and on indigence screening of defendants, in support of providing defense representation at the bond hearings. The pretrial analysts work directly for the CJCC. This capacity was critical for the monitoring and

evaluation of risk assessment use that CJCC partners committed to at the outset of the implementation process.

Another aspect of preparation for implementing risk-based pretrial decisionmaking was facilitating a larger culture shift among stakeholders. This involved multiple modes of stakeholder engagement including meetings, trainings, gatherings, and media education.

In the summer of 2017, the pretrial analysts began interviewing defendants and completing VPRAI-R assessments. After a VPRAI-R pilot test period of seven months, the Center for Court Innovation undertook an analysis that found that VPRAI-R scores were associated with likelihood of arrest and FTAs among people released before trial in Charleston County. With these pilot study results, Charleston County began routinely using the VPRAI-R at initial bond hearings in January 2018. Administration of the VPRAI-R required pretrial staff to conduct a video interview with a defendant to obtain the information needed to score items not captured in administrative data systems, such as whether the defendant was employed at the time of arrest. In practice, pretrial staff members were limited in their ability to conduct these interviews with defendants detained in the jail in time to have a completed VPRAI-R assessment to inform bond setting, which by law must occur within 24 hours of arrest (with the exception of specified serious cases or repeat violent offenses, for which 30 days are allowed). Conducting interviews by video presented logistical and technological challenges that hindered the ability to assess eligible defendants. As a result, the “reach rate,” or share of defendants assessed, was between 50 and 60 percent.

The CJCC engaged the JFA Institute to assess how the VPRAI-R was working locally and see whether a more predictive localized tool could be developed, ideally one that would not require an interview and thereby make it possible to assess a larger proportion of defendants without losing predictive effectiveness. The JFA Institute study was possible thanks to the greater availability of local legal system data since the outset of the SJC work.

The JFA Institute study found that the VPRAI-R was only modestly predictive in Charleston County, as measured by the area under the curve (AUC) metric. In the area of risk prediction, an AUC of 0.70 is considered the bar to clear for good prediction; the VPRAI-R in Charleston achieved an AUC of 0.617.<sup>6</sup> The JFA Institute team developed a pretrial model for Charleston that relied solely on factors that could be determined without an interview, made some adjustments to the VPRAI-R factor definitions and model, and developed an instrument with an AUC of 0.727 (Austin, Naro-Ware, and Ocker 2019). This revised tool, named the Charleston Pretrial Risk Assessment Instrument (CPRAI), categorizes defendants into four risk levels for pretrial misconduct. The CPRAI was adopted to replace

the VPRAI-R starting in January 2020. Table 1 presents a comparison of the factors included in the VPRAI-R and the CPRAI.

**TABLE 1**  
**Pretrial Assessment Tool Factors, VPRAI-R and CPRAI**

	VPRAI-R	CPRAI
Active community supervision	X	X
Charge type	X	X
Pending charge	X	X
Criminal history	X	X
Prior FTA	X	X
Prior violent convictions	X	X
Unemployed at time of arrest	X	
History of drug abuse	X	
Gender		X
Age		X
Multiple current charges		X

**Sources:** James Austin, Wendy Naro-Ware, and Roger Ocker, “Development of the Charleston Pretrial Risk Assessment Instrument (CPRAI)” (Denver: JFA Institute, 2019); Mona J. E. Danner, Marie VanNostrand, and Lisa M. Spruance, *Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision: VPRAI and Praxis Revised* (St. Petersburg, FL: Luminosity, Inc, 2016).

**Notes:** CPRAI = Charleston Pretrial Risk Assessment Instrument. FTA = failure to appear. VPRAI-R = Virginia Pretrial Risk Assessment Instrument-Revised.

The JFA Institute’s report on the development of the CPRAI addressed the possibility of bias in prediction, examining differences in outcomes at each risk level, false positive rates (people classified into the two highest risk levels who did not experience pretrial failure), and predictive equity (i.e., that the tool is equally predictive for different groups). The authors (Austin, Naro-Ware, and Ocker 2019, 10) “could not locate any persistent and sustained bias by gender or race,” but the average risk score in the sample was higher for Black defendants (because of a slightly higher rate of pretrial failure), and the tool was slightly less predictive for Black defendants, which was also true of the VPRAI-R (Danner, VanNostrand, and Spruance 2016).

Community engagement around pretrial risk assessment has been part of a broader community engagement effort led by the CJCC around local criminal legal system functioning and reform. Stakeholders indicated that this had resulted in more avenues for community engagement and transparency than had existed previously, and many felt that the community was more informed and empowered around how the local criminal justice system operates in Charleston County, and how that

might change. At the same time, there were interview respondents who did not think public communication on local reform had been effective and believed only a small group of people in the county really understood what was happening in local reform efforts.

Specific to the practice of pretrial risk assessment, community leaders raised concerns about the use of such tools and their impact on equity. In particular, the transition to the CPRAI locally and the Pretrial Justice Institute's public shift in its position on the use of risk assessments for pretrial decisionmaking (Pretrial Justice Institute 2020) required further community and stakeholder engagement around pretrial risk assessment. The CJCC held discussions with the local leaders from institutions including the NAACP, ACLU, and defense bar to come to agreements around the use of pretrial risk assessment, including upholding the prior collective commitment to continually monitor data and make improvements to process and practice as indicated. Though progress on community engagement was broadly acknowledged in the interviews, some stakeholders expressed a need to continue to increase the diversity of people involved, and more specifically to increase collaboration with the Black community and diversify the CJCC staff.

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*We were not blind that there was criticism that tools imported bias in previous systems decisions...But we felt we could factor that in and help those who used the tool to adjust for that bias. We felt it was worth the risk still to adopt the tool.*

*—Charleston County interview participant*

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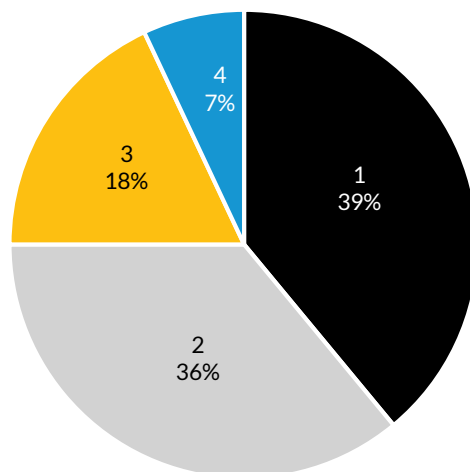
## **Charleston County's Current Risk Assessment Process**

The pretrial risk assessment process in Charleston County since the switch to the CPRAI has involved pretrial analysts compiling a pretrial service report, which mostly consists of the CPRAI score but also includes information such as demographics, arresting agency, prior jail bookings, and previous charges. The pretrial service report has been in use since the outset of the SJC work in Charleston County, but has been modified due to changes such as the switch to the CPRAI tool (see appendix A for the version of the pretrial service report used in 2021). The pretrial service report is part of the official court record, and goes to the magistrate presiding over the bond hearing in Charleston County's Centralized Bond Court, as well as to the public defender and prosecutor, if they are present at the hearing.

The pretrial analysts score the CPRAI at the start of their workday each morning. A data feed from the jail uploads bookings into the pretrial application so the analysts can see who has been arrested overnight and is in the queue for assessment. The pretrial service report is prepared in advance of the bond hearing that happens within 24 hours of arrest. Although the CPRAI uses only factors available from administrative data, CPRAI scoring is not automated. The pretrial analysts need to look up the information they need in administrative data systems. Stakeholders familiar with this process said the amount of time needed to complete a CPRAI varied based on the extent of people's prior justice involvement, but the average was around 10 minutes. Progress on the data centralization and integration SJC strategy in Charleston County made this process easier by consolidating necessary data and motivating justice agencies in the county to code data elements more consistently. This increased the efficiency of the process. The reports are kept on a shared virtual folder for seven days and then deleted for confidentiality.

In 2021, the pretrial analysts completed the CPRAI for 95 percent of eligible cases, which is a large improvement in reach rate from the 51 percent achieved through early VPRAI-R assessments in 2018 and 2019 (Charleston County CJCC 2022). The majority of people scored in the lowest two risk categories on the CPRAI, and less than 10 percent scored in the highest risk category (figure 1). The risk distribution of defendants in the first year of CPRAI implementation largely conformed to that in the development sample, except defendants scoring at level 1 (the lowest level) were more common, and those scoring at level 2 were less common.

**FIGURE 1**  
**Charleston Pretrial Risk Assessment Instrument Risk Score Distribution**  
4 = Highest risk category, 1 = lowest risk category



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Source: Charleston County Criminal Justice Coordinating Council Annual Report 2020 (North Charleston, SC: Charleston County Criminal Justice Coordinating Council, 2021).

The pretrial decisions informed by these new practices were fairly simple. There are no pretrial services in Charleston County (or anywhere in South Carolina), nor is there a provision for preventative pretrial detention, so the release decisions undertaken at first appearance were restricted to whether there would be a personal recognizance (PR) bond or a financial bond required as a condition of release and whether a financial bond would be imposed (and at what dollar amount). The general logic of the pretrial assessment strategy was that lower risk scores should make PR bonds more likely and make high bond amounts less likely, and this was articulated in CJCC publications and was the consensus expressed by stakeholders we interviewed. The CJCC monitors the pretrial process through internal dashboards that track bond setting and release patterns and through bond court observations to assess for alignment with state and national standards. However, Charleston County has not established any guidelines or rubric to structure pretrial decisions, in large part due to the lack of pretrial services options that would be part of such guidelines. There is no articulated standard for what type of release is preferred for each risk level or how the risk levels should relate to bond amounts, so no definition exists of departures from what the CPRAI suggests should happen.

## **Impacts of Pretrial Risk Assessment in Charleston County**

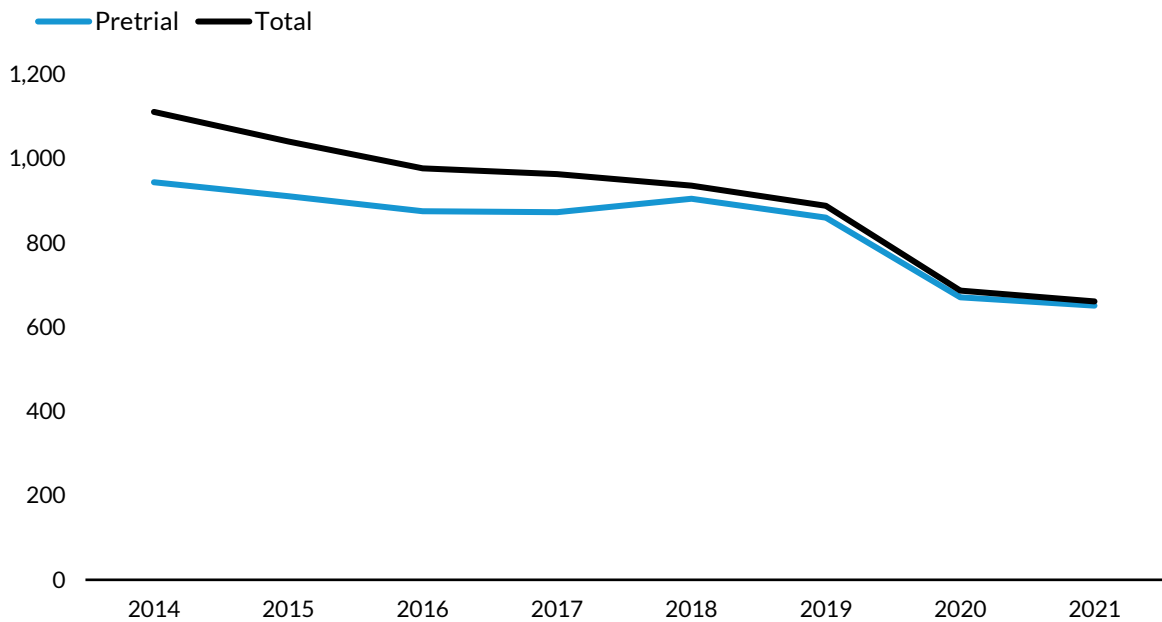
The Charleston County CJCC is responsible for monitoring pretrial risk assessment and implementation and reporting relevant data to CJCC members and the public. The CJCC undertook a pretrial outcomes study in 2017 to set a baseline against which to measure progress of the strategies it was pursuing in this area. That study developed several metrics around bond setting and release outcomes that constituted the basis for measuring system trends in subsequent years. The 2020 and 2021 CJCC annual reports, covering the first two years of the CPRAI implementation period, provide data on CPRAI risk levels in the booked population, as well as the reach rate, the bond type by risk level, and outcomes by risk level (Charleston County CJCC 2021a, 2022). Data on the assessed risk level and pretrial release rates disaggregated by race are included in the Bond and Reentry working group dashboard.<sup>7</sup>

Although pretrial assessment has been used in Charleston County only since 2018, the CPRAI has been used only since 2020 (coinciding with the COVID-19 pandemic), and many system trends are produced by a combination of multiple Charleston County reform strategies and external dynamics; several data points shed light on what pretrial assessment may have achieved in Charleston.

**Charleston County's jail population declined, particularly the sentenced population.** The overall local jail population trend in Charleston County during its SJC participation period was downward, with

a 20 percent reduction in the local jail population from 2014 through 2019, followed by a steeper drop in 2020 as Charleston County responded to the COVID-19 pandemic (Charleston CJCC 2022; see also figure 2). However, the decline in the pretrial detained population, which is the population that pretrial risk assessment would be expected to affect, saw a more modest 9 percent from 2014 to 2019.<sup>8</sup> The pre-COVID decline was largely driven by a steep reduction in the sentenced population.

**FIGURE 2**  
**Charleston County Jail Average Daily Population, 2014–2021**



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Source: Charleston County Criminal Justice Coordinating Council Annual Report 2021 (North Charleston, SC: Charleston County Criminal Justice Coordinating Council, 2022).

**Adopting the CPRAI resulted the assessment of a larger share of defendants appearing in bond hearings.** The move to the CPRAI appears to have solved the reach rate problem, with well over 90 percent of defendants receiving a pretrial risk assessment before their bond court appearance in the first year of implementation. The VPRAI-R never reached 60 percent of defendants at any point.

**Pretrial success rates have related to risk level as expected.** A detailed study of pretrial release and rearrest outcomes among General Sessions bond set in Centralized Bond Court from January 2020 through June 2021 found that rates of pretrial release success and failure showed a relationship with risk level as assessed by the CPRAI, with success rates declining as risk level increases (Charleston County CJCC 2022). Defendants assessed at the lowest two risk levels released pretrial in 2021 fared



slightly worse than those in the CPRAI development sample (though the substantial majority of them were still successful), but defendants at the highest risk level did better than in the development sample (table 2). Defendants released through PR bond did better than those released on a financial bond at all risk levels.

**TABLE 2**  
**Pretrial Failure Rates by CPRAI Level**

	CPRAI development sample	Pretrial Study Population (Bonds Set in Centralized Bond Court, January 8, 2020–June 30, 2021)		
		PR bond	Financial bond	Total
1 (lowest)	10%	16%	19%	17%
2	29%	31%	34%	33%
3	45%	39%	46%	44%
4 (highest)	65%	53%	55%	55%

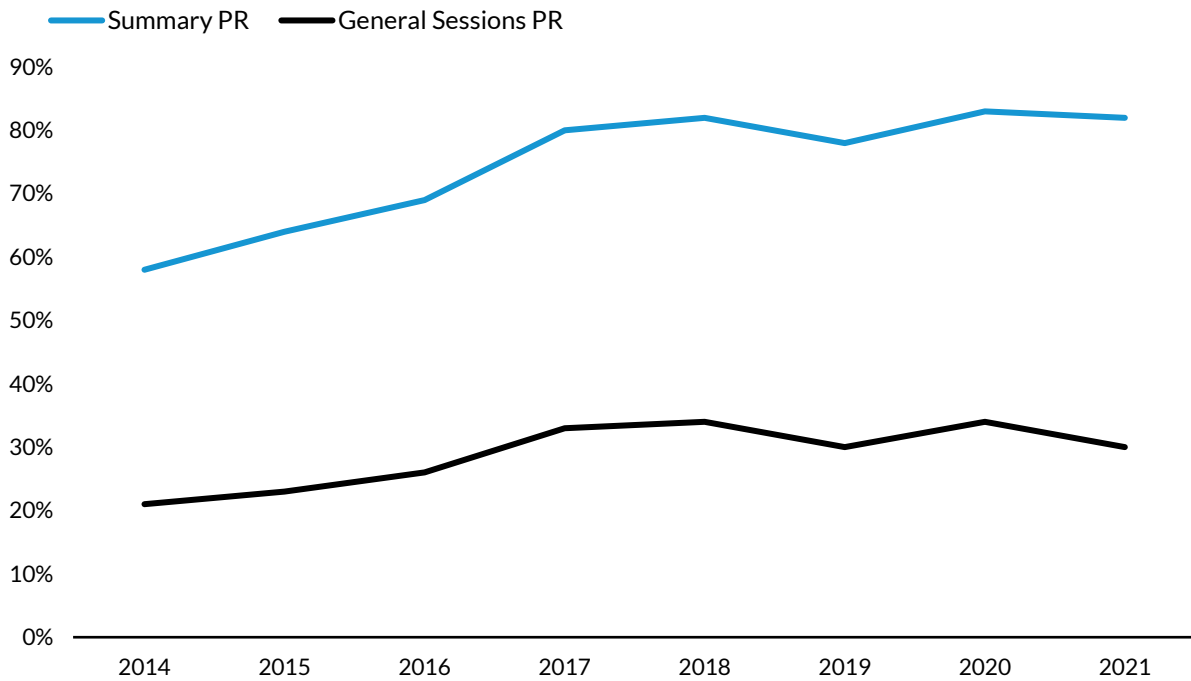
**Source:** James Austin, Wendy Naro-Ware, and Roger Ocker, “Development of the Charleston Pretrial Risk Assessment Instrument (CPRAI)” (Denver: JFA Institute, 2019); *Charleston County Criminal Justice Coordinating Council Annual Report 2021* (North Charleston, SC: Charleston County Criminal Justice Coordinating Council, 2022).

**Notes:** CPRAI = Charleston Pretrial Risk Assessment Instrument. PR = personal recognizance.

**Charleston hit its goals on increasing use of PR bonds.** Personal recognizance bonds have become more common relative to financial bonds in Charleston County. This trend began in 2014 and saw the greatest increase in 2017, before the implementation of any pretrial risk assessment, though the culture change work prior to launch was underway (figure 3). As noted, the CJCC’s strategy set the goal of increasing use of nonfinancial bonds through risk-based bond setting, from 20 percent of bonds set to 30 percent in General Sessions courts, and 51 percent to 66 percent in summary courts (Charleston County CJCC 2016). By 2021, it had exceeded both milestones, with 30 percent of General Sessions court and 82 percent of summary court bonds issued being PR bonds; in addition, both figures for 2019, before the COVID-19 pandemic, were at or over the milestone targets (figure 3). Pretrial release rates and time to release have remained largely steady over this period.

FIGURE 3

Charleston County Personal Recognizance Effective Bond Percentage, 2014–2021



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Source: Charleston County Criminal Justice Coordinating Council Annual Report 2021 (North Charleston, SC: Charleston County Criminal Justice Coordinating Council, 2022).

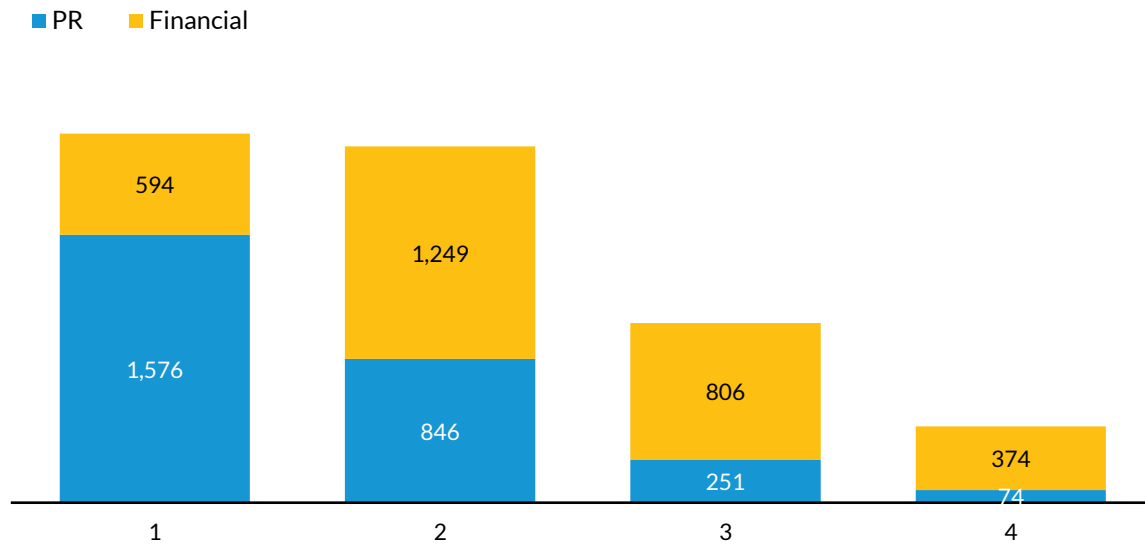
Notes: Effective bond is a metric that combines separate bonds applied to a defendant for multiple charges into a single measure of what is required for pretrial release. PR = personal recognizance.

**PR bonds are more common for people scored as lower risk.** Charleston County CJCC analysis indicates that the type of bond release clearly varies by assessed risk level: 72 percent of defendants scoring a 1 on the CPRAI receive a PR bond, whereas only 16 percent of those scoring a 4 receive a PR bond (Charleston CJCC 2021a; see also figure 4). Personal recognizance bonds are more common in cases where the CPRAI score is lower, but only for the lowest CPRAI score are PR bonds more common than financial bonds. However, there is no way to determine whether the relationship between the assessment scores and the bond outcomes is causal.

FIGURE 4

2020 Bond Type by Charleston Pretrial Risk Assessment Instrument Risk Level

4 = Highest risk level; 1 = lowest risk level



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Source: Charleston County Criminal Justice Coordinating Council Annual Report 2020 (North Charleston, SC: Charleston County Criminal Justice Coordinating Council, 2021).

Note: PR = personal recognizance.

**The representation of Black people in the Charleston County jail declined modestly.** At the SJC baseline, 70 percent of people in the county’s jail population were people of color (which in Charleston County is nearly synonymous with the Black population); at year three of the initiative, that share was 67 percent.<sup>9</sup> This is a stark contrast to the Charleston County adult population overall, of which 33 percent of people are people of color (CUNY ISLG 2021). The jail incarceration rate for people of color in Charleston declined 14 percent since SJC baseline, likely because of the 23 percent reduction in booking rates for people of color. The average daily population of Black people in the jail pretrial fell 15 percent, while the white pretrial population increased 10 percent. While these trends indicate that disparities in jail incarceration decreased some during the early implementation of pretrial risk assessment, more specific analysis of the interaction between pretrial assessment and racial equity remains to be done.

**The data on the intersection of race and assessed level of pretrial risk collected and reported by the CJCC in the first years of CPRAI implementation paint a mixed picture.** The share of Charleston defendants who are Black is greater at the higher risk levels; 36 percent of defendants scored at risk level 1 were Black, while 69 percent of defendants scoring at risk level 4 were Black (Charleston County

CJCC 2021b). At the same time, pretrial release rates for Black defendants were either the same or slightly greater than for white defendants at every risk level. The largest difference in release rates was for defendants assessed at risk level 4, with 79 percent of Black defendants released, compared to 75 percent of white defendants (ibid). Prior to the launch of the dashboards, lack of this data disaggregated by race was a point of concern among some stakeholders interviewed, who said that seeing such data was critical to understanding the equity impacts of the pretrial decisionmaking process. The CJCC published a deep-dive analysis of racial and ethnic disproportionality in the local justice system covering data from 2017, which indicated small differences between Black and white defendants in rate of financial and PR bond type (Charleston County CJCC 2018). That report noted that examining potential disparity in pretrial release conditions and outcomes (defined as differential treatment of people) required more advanced methods and will be the focus of future analysis.

**Charleston County stakeholders had mixed views on whether pretrial assessment was generating system impact.** Some felt it had changed the way judges were making decisions in bond court and had introduced a level of consistency in the information being considered that had not been there before, and interview respondents directly involved in making release decisions reported considering the risk assessment information. Others perceived a change in the types of bond decisions being made, but thought it could have been a result of the more regular presence of defense counsel in those hearings. Several interview respondents noted that the potential impact of pretrial risk assessment is limited by the lack of pretrial services. Others felt that there was a lot of variation in whether the judges used the assessment scores, and some questioned whether the assessments were having any impact on judicial decisionmaking at all. In general, many stakeholders saw the reduction in jail bookings for the most common minor offenses associated with Charleston County's cite and release strategy as a larger driver of the jail population reduction.

## Implementation Lessons and Insights from Charleston County

Although the CPRAI had not been operating in Charleston County for very long at the time of the interviews for this case study and only a single full year of data on system trends was available to shed light on the system-level impact it might be having, the county's experience selecting, implementing, reevaluating, and fully implementing pretrial risk assessment yielded several practical lessons.

**Enhancement of system capacity was necessary to make assessment possible.** This took the form of hiring CJCC supervisory staff to oversee tool selection, implementation, and stakeholder education;

investing in data infrastructure; and hiring pretrial analysts to score the assessments and produce the pretrial services report.

**Stakeholders differed in their assessment of whether sufficient understanding of and support for use of assessment results had been secured and maintained.** Interview respondents skeptical of the impact of risk assessment believed that greater judicial buy-in was needed, and they expressed doubt that judges who began conducting bond court hearings after the initial training had been trained in the makeup and goals of the tool and were concerned that Charleston County stakeholders were reluctant to push or confront powerful judges. Training and education on the CPRAI and the purpose of pretrial assessment were suggested as important sustainability factors, as was doing parallel work with prosecutors and defenders. Specifically, the leadership of the solicitor's office and public defender was engaged, but sharing that information within the organizations was left to them. Other stakeholders had a very different view and emphasized that ongoing targeted training for new judges or dedicated bond court attorneys and regular feedback meetings with judges should be in place to ensure consistent understanding and support for use of assessment.

**Inclusion of gender and age in the tool raised substantial equity concerns.** There were concerns, particularly from the defense bar, that inclusion of gender and age factors violated equal protection by basing risk on those demographic attributes. Interview respondents described this as a source of defense challenges to use of the assessment results in bond court hearings, particularly that being male and younger would produce higher risk scores.\*

**Some stakeholders felt important things were lost by moving to a noninterview tool.** Although the move to the CPRAI appears to have solved the reach rate problem, the new CPRAI risk prediction model did prompt some concerns and criticisms from stakeholders. Some felt important assets were lost by the removal of the interview from the assessment process, particularly the ability to capture factors such as community ties.

**Expanding pretrial release options was seen as critical to realizing the promise of risk-based pretrial decisionmaking.** Efforts by the CJCC were under way to explore establishment of pretrial services in Charleston County, but the COVID-19 pandemic interrupted those efforts. Stakeholders mentioned that doing this was important to realize the potential of pretrial risk assessment. There was

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\* In findings about the CPRAI in this report, the categories male and female are presented as categories of gender identification because they are presented that way in CPRAI materials. The authors acknowledge these are categories of sexual identity and present them this way to be consistent with the source materials.

consensus across stakeholders we interviewed that a more extensive array of pretrial release options would enhance the impact of risk-based pretrial decisionmaking, with most indicating this would build on the improvements to decisionmaking already realized. A few stakeholders who had not perceived the impact of assessment implementation as significant mentioned that more options were necessary if the benefits of the pretrial risk assessment were to outweigh the up-front and ongoing costs of implementing it.

## Risk Assessment and Structured Decisionmaking in Lucas County

Lucas County, Ohio, has a population of 428,000 and is home to Toledo, one of the five largest cities in the state.<sup>10</sup> When Lucas County joined the Safety and Justice Challenge in 2015, the average daily population in Lucas County Correctional Center was 556 (CUNY ISLG 2021), a jail incarceration rate of 154 people per 100,000 residents ages 15 to 64.<sup>11</sup> Nearly all people detained in the Lucas County Correctional Center are held before trial. The sentenced population is detained in a separate facility, the Correctional Center of Northwest Ohio, located in Stryker (DLR Group 2014, ES-1). There is substantial racial disparity in Lucas County's jail population, as is common in jail populations across the United States. Black people constitute 20 percent of the population in Lucas County yet represent 58 percent of those booked into jail (Census Bureau 2019).<sup>12</sup>

Since its opening in 1977, the Lucas County Correctional Center has experienced persistent challenges of jail overcrowding and unsafe conditions. It has been under federal consent decree since 1978, with a rated capacity of 342 people. However, for three decades the facility held 380 to 475 people, well over the rated capacity (Lucas County Board of Commissioners 2013, 26). To address the steadily increasing jail population and persistent jail overcrowding, county stakeholders came together in 2013 to work out several solutions to safely reduce the number of people detained at the Lucas County Correctional Center, a collaboration that set a foundation for the county's SJC-supported local reform efforts.

Although stakeholders had begun putting pretrial risk assessment in place before Lucas County joined the SJC, risk assessment implementation was one of six core strategies the county developed to change the use of jails as part of its SJC efforts. These strategies were to (1) change law enforcement practices to divert people with behavioral health needs; (2) implement a risk assessment tool and manage the jail population based on risk; (3) create a population review team and improve case

processing to expedite case resolutions for certain misdemeanor charges; (4) implement a diversion program for underserved populations; (5) coordinate probation practices in all five of the county's probation jurisdictions; and (6) hire a consultant to reduce racial and ethnic disparities, targeting certain zip codes with high disparities.

## **Risk Assessment Selection and Implementation in Lucas County**

Lucas County stakeholders described four reasons for pursuing implementation of a pretrial risk assessment tool. First, there was a widespread awareness of the need to improve decisionmaking. Until 2013, court actors mostly relied on charges to guide their decisions. But many stakeholders became increasingly aware of the shortcomings of charge-based decisionmaking and the related practice of monetary bond setting. In particular, the imposition of monetary conditions of release disproportionately burdens people experiencing poverty. Second, several stakeholders noted the desire to find a tool that relied on data that could help court actors understand the risks to public safety if a release decision is made. Third, county stakeholders mentioned a desire to “right-size” the jail population. Too many people detained at the time were held on low-level offenses or because of their inability to post bond, inflating the jail population with minimal or no public safety benefit. Fourth, some stakeholders said the county's fiscal priorities were what motivated efforts to reduce the jail population, noting that jail-cost reductions and reinvestment in community treatment and supports would be a more cost-efficient use of taxpayer dollars.

Lucas County had key partnerships in place that enabled a smooth transition to a risk assessment tool. The Lucas County Criminal Justice Coordinating Council was established in 1981 with representatives from the courts, the public defender's office, and the prosecutor's office, among other institutions.<sup>13</sup> By 2014, the council had functioned for 33 years bringing together various county stakeholders. Such long-term collaboration was a critical factor that enabled partners to work together to choose a risk assessment tool.

Several tools were considered. One was the VPRAI, but it was eliminated from consideration because of the significant resources it required to conduct an interview. Eventually, the county stakeholders landed on the Public Safety Assessment (PSA) pretrial risk assessment tool (box 2). This tool seemed an optimal choice because calculating the score did not require an interview and because in addition to accounting for a person's probability of engaging in future violent and nonviolent crime, it accounted for future FTAs, a significant issue in Lucas County raised in several interviews.

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## BOX 2

### About the Public Safety Assessment Pretrial Risk Assessment Tool

The PSA is an actuarial assessment developed with support from Arnold Ventures (formerly the Laura and John Arnold Foundation) to guide courts in pretrial release decisions by providing information about a person's risk of missing a future court date, being arrested for a new crime during pretrial release, and being arrested for a new *violent* crime during pretrial release. Researchers used data from around 750,000 cases in approximately 300 jurisdictions to develop the PSA model, then performed validation testing of that model on a different sample of over 500,000 cases. Hundreds of localities across the United States now use the PSA, including many in the SJC network. The tool was piloted in select jurisdictions before being made broadly available for anyone's use, with Lucas County becoming one of those pilot sites in 2015.

The PSA consists of nine factors: age at current arrest, current violent offense, pending charge at time of arrest, prior misdemeanor convictions, prior felony convictions, prior violent convictions, FTAs in the past two years, FTAs older than two years, and prior sentences to incarceration. Different combinations of these factors are combined and weighted differently to calculate risk scores specific to FTA (four factors), new criminal arrest (seven factors), and new criminal violent arrest (five factors).

**Source:** "About the Public Safety Assessment," Advancing Pretrial Policy and Research, accessed January 31, 2022, <https://advancingpretrial.org/psa/about/>.

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Local stakeholders from the courts and the public defender's and prosecutor's offices started meeting in 2013 and worked through 2014 with a consultant from Luminosity Inc. to prepare for the launch of the tool. The Luminosity consultant trained pretrial services staff in preparing PSA reports and provided initial consultation to stakeholders who used the reports to guide their decisions. Luminosity also provided consultation to local stakeholders on developing a decisionmaking framework. According to some stakeholders, the most challenging aspect of developing the framework was creating local definitions for interpreting certain charges. For example, the Ohio state criminal code has specific definitions for violent charges, and local stakeholders had to work with the consultant to understand whether these charges should be indicated as violent or nonviolent in the PSA report. Once these nuances were worked out and key stakeholders trained, the PSA was launched in Lucas County at the beginning of 2015.

During the first year of implementation, Luminosity collected one year of data from 2015 and conducted the first local Lucas County system impact and validation study with support from Arnold Ventures. The report on findings concluded that the PSA was a predictor of FTAs, new arrests, and new arrests for new violent offenses.<sup>14</sup> Specifically, implementation of the PSA was associated with a 12



percentage point reduction in FTAs, a 10 percentage point reduction in arrests among those released before trial, and a 2 percentage point reduction in arrests for violent crime among those released before trial.<sup>15</sup> The reduction in FTAs addressed an acute problem, as multiple stakeholders noted that they were common, so much so that one characterized Lucas County as having had “a culture of FTAs we couldn’t get out of” before it implemented the PSA. Further, that report showed that Lucas County nearly doubled the number of people who were released on their own recognizance, meaning people did not have to post bail, and Black and white defendants were released at equal rates.<sup>16</sup>

## **Lucas County’s Current Risk Assessment Process**

Staff from the Lucas County Pretrial Services Office are responsible for preparing PSA reports. Eleven assessment officers prepare the reports in three shifts. The reports are prepared immediately after people are booked in advance of their arraignment hearings, which should occur within 48 hours of bookings. Anyone booked into jail will have a PSA report prepared.<sup>17</sup> To prepare the report, the assessment officers check local, state, and national repositories of people’s criminal histories. The process of preparing PSA reports is rather labor intensive because information gathering is not automated (although calculation of the PSA score is). To assure quality, the assessment officers document their answers to all questions, in addition to the scores, in the case management system.

Pretrial services has a designated supervisor responsible for quality assurance of the PSA reports. This supervisor checks each PSA report prepared by an assessment officer and reviews decisions made to calculate the score. This process has assisted with learning and streamlining decisions between the assessment officers. In addition to these robust internal-quality-assurance mechanisms, this supervisor and the pretrial services director are also responsible for providing continued education and training for those stakeholders who use PSA reports in their decisions.

## **LUCAS COUNTY’S STRUCTURED DECISIONMAKING FRAMEWORK**

Along with launching the tool, Lucas County stakeholders undertook the development of a structured decisionmaking framework (or matrix) that serves as a companion to the PSA report and is meant to guide the decisions of judges and other stakeholders using the tool. The matrix, which was launched in 2015, is still in use. It is primarily used by prosecutors and public defenders who provide recommendations to the court and guide the decisions made by judges. Judges in Lucas County have several choices when making a decision. One of the options is to release a person on bond, although this option is not included in the decisionmaking framework that is part of risk assessment. The

decisionmaking framework offers recommendations based on the assigned risk levels and includes the following options (some of which are not mutually exclusive):

- Release on own recognizance
- Release with pretrial supervision
  - » Release with pretrial supervision is available only for felony charges in Lucas County; according to interviewees, most people with misdemeanor charges are released without supervision.
- Release with electronic monitoring, a practice adopted in August 2017
- Detain

Judges were initially trained on using PSA reports and instructed that they can exercise their judicial discretion in deciding whether to release or detain someone because there may be factors in a case not captured in the PSA score. This training was provided by pretrial services and peer judges who were early adopters and champions of the PSA. Judges' views of the PSA varied: some appreciated having a tool as an additional source of information for their decisions, whereas others were more hesitant about relying on the score. Judges who became PSA champions were critical to overcoming this hesitancy. They provided consultation and training both one-on-one and in groups to other judges.

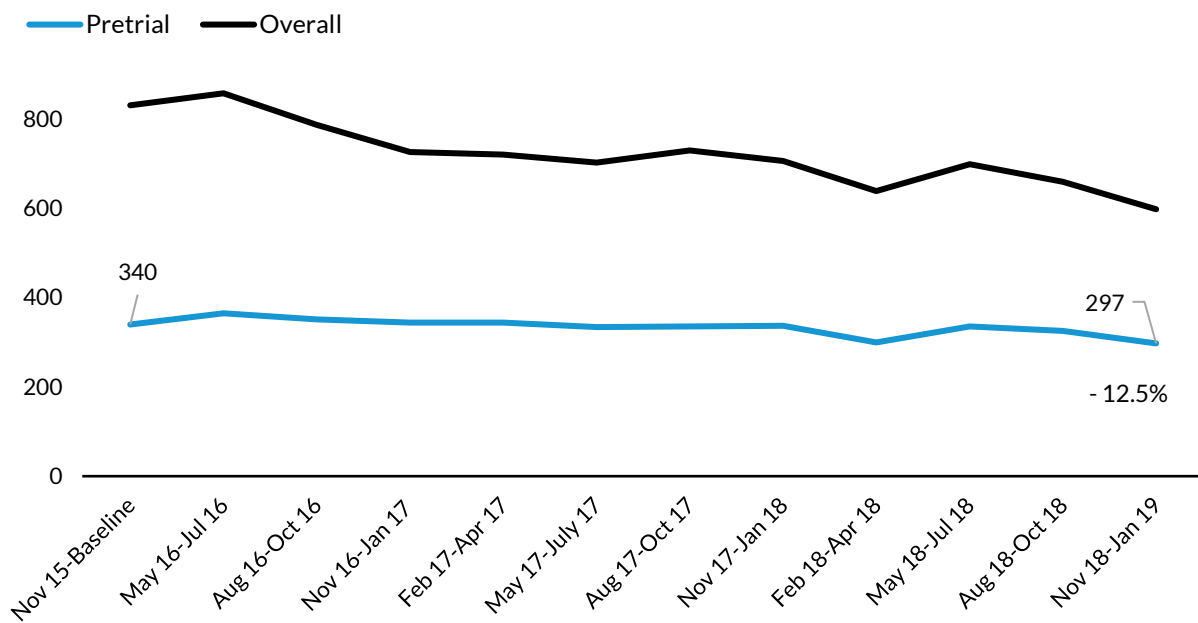
## Impacts of Pretrial Risk Assessment in Lucas County

Since adopting the PSA in 2015, Lucas County has realized significant achievements in reducing its average daily jail population and improving outcomes for defendants released pretrial. Below we present summaries from three analyses, one prepared by Luminosity in 2016 (Danner, VanNostrand, and Spruance 2016), one by the CUNY Institute for State and Local Governance in 2021, and by one RTI International in 2020 (Lowenkamp, DeMichele, and Warren 2020).

**The Pretrial detention population decreased nearly 13 percent** from November 2015 to April 2019 (CUNY ISLG 2021). The decrease in the pretrial average daily population was likely not achieved from adopting the PSA alone. Instead, the combination of the PSA and other SJC strategies, such as early resolution at arraignment and weekend releases, contributed to the decline. Improved case processing practices, such as quick disposition of misdemeanor cases at arraignment and weekend releases, also decreased the average length of stay in the Lucas County Correctional Center. Based on the ISLG's analysis, the average length of stay at time of release decreased 15 percent between the pre-SJC baseline in November 2015 and April 2019 (CUNY ISLG 2021).

FIGURE 5

Average Daily Jail Population in Lucas County, Ohio, 2015–2018



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Source: CUNY Institute for State and Local Governance, *Reducing the Misuse and Overuse of Jails in Safety and Justice Challenge Sites: An Interim Progress Report* (New York: CUNY Institute for State and Local Governance, 2021)..

**Releases on people’s own recognizance increased after PSA adoption.** An analysis conducted by the Institute for State and Local Governance in 2018 showed that releases on people’s own recognizance increased 96 percent between the baseline period leading up to SJC strategy implementation (i.e., November 2015 to April 2016) and the end of the second full year of the implementation period (i.e., February to April 2018). The fact that more people were released on their own recognizance during the first two years of PSA implementation may owe to the adoption of a new decisionmaking framework, but more research would be needed to establish the causation.

**Although the pretrial release rate did not change since PSA adoption, a larger share of people with felony charges were released pretrial.** According to RTI International and interviews with local stakeholders, Lucas County has not seen an increase in recommendations for release since PSA adoption (Lowenkamp, DeMichele, and Warren 2020). However, the lack of change in the release rate has to be understood in the context of a substantial decrease in jail bookings. Specifically, the RTI study compared data from a pre-PSA period (January 1, 2012, through December 31, 2014), and a post-PSA period (January 1, 2015, through December 31, 2018), and found that Lucas County jail bookings decreased by an average of 1,600 annually (Lowenkamp, DeMichele, and Warren 2020). The study

found that in the post-PSA period, a larger share of people with felony charges (40 percent) was released compared than in the pre-PSA period (27 percent) (Lowenkamp, DeMichele, and Warren 2020). Consistent with this interpretation, stakeholders reported in interviews that the PSA has helped them to “right-size” the jail population and detain people who pose a more serious risk to the public and release those with less serious risk scores.

**Postrelease outcomes improved for people after PSA adoption between 2015 and 2018 compared with people pre-PSA between 2012 and 2014.** According to the 2020 RTI report, comparing people released before trial pre- and post-PSA, fewer people had FTAs, had new criminal arrests, or had new violent arrests after PSA adoption (Lowenkamp, DeMichele, and Warren 2020). Table 3 presents the summary of key outcomes highlighted in the 2020 study.

**TABLE 3**  
**Postrelease Outcomes during Pre- and Post-PSA Periods in Lucas County, Ohio**

	Share of people released on pretrial who had a future failure to appear in court	Share of people released on pretrial who had a criminal arrest	Share of people released on pretrial who had a new violent criminal activity
<b>Pre-PSA</b> January 1, 2012- December 31, 2014	30%	20%	6%
<b>Post-PSA</b> January 1, 2015- December 31, 2018	24%	15%	4%

**Source:** Data reported in Christopher Lowenkamp, Matthew DeMichele, and Lauren Klein Warren, “Replication and Extension of the Lucas County PSA Project” (Rochester, NY: Social Science Research Network, SSRN Scholarly Paper ID 3727443, 2020).

**Note:** PSA = Public Safety Assessment.

**The PSA performed well in predicting new criminal arrests and new violent criminal arrests, including consistent performance by race and gender.** But performance predicting FTAs varied by race and gender. The 2020 RTI report showed that for people with the same risk-score levels, there were equal probabilities of being arrested for a new crime or for a new violent crime by race and gender, but predictive performance varied for FTAs (Lowenkamp, DeMichele, and Warren 2020). Black defendants with lower PSA scores were more likely to have an FTA predicted than white defendants, while Black defendants with higher scores were less likely to have an FTA predicted than white defendants. The study also showed that women and men with lower scores had equal probability of an FTA, while women with higher scores had a higher probability of having an FTA than men. Based on these and other findings, county stakeholders are considering changes to the current scores and the decisionmaking framework.

## Implementation Lessons and Insights from Lucas County

The adoption of the PSA in Lucas County not only required changes to processes and procedures but also represented a significant cultural shift from charge-based to risk-based decisionmaking. As with any major change to the status quo, this process was gradual and required time and significant human resources. After more than five years of implementation, the county has had early successes and continuing challenges that might inform other jurisdictions interested in adopting or modifying their current risk assessment and structured decisionmaking processes.

**Judicial buy-in to pretrial risk assessment varied.** Interview respondents indicated that even several years after PSA implementation, judges' willingness to rely on the tool varies. Local champions among judges were critical to overcoming initial hesitancy to consider PSA scores and recommendations when making release decisions. Continuous training and education, such as refresher courses and advising for new actors (such as newly elected officials and new staff) are means of expanding buy-in, but these efforts require time from supportive judges, pretrial staff, and leaders of other agencies.

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*When we adopted PSA, my role was to be a salesman [to judges]. I made myself available to other judges and provided consultation in groups and one-on-one.*

*—Lucas County stakeholders*

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**Validation and revalidation studies are critical, but their findings and potential modifications to the existing processes may threaten hard-won buy-in.** Lucas County supported two validation studies, one relying on data from 2015 with results presented in a 2016 report and a more recent study relying on data from 2015 to 2018 with results presented in a 2020 report. Over the first five years of implementation, more criminal justice actors started relying on the PSA reports and became comfortable with the tool. The findings from the recent validation study, which found the PSA's predictive performance to be only moderately strong (AUC scores were between 0.62 and 0.68 for the three scales), suggested several possible modifications to the existing decisionmaking framework. Several stakeholders noted the importance of using results of analyses of tool performance to improve practice but also expressed concern about the future changes and whether they might result in "change fatigue" given the substantial reforms and changes to practice to the local justice system in recent years.

Hard-won consensus on tool use can create resistance to changes to the tool or how it is used, and Lucas County stakeholders were concerned that future changes may destabilize the support and confidence that had been secured.

**Gathering information and checking various systems are time consuming.** Although the PSA's design relies on data available in administrative data systems, as implemented in Lucas County it still requires significant staff time to complete. It would be very difficult to automate anything other than the calculation of the scores. But certain data are critical to generate scores. Any jurisdiction considering PSA adoption should have a strong partnership with the jurisdiction's information technology team and be able to access consistently defined data from different systems.

**Developing a decision matrix took time in the beginning but became a smooth process for Lucas County once the development stage was done.** Using an off-the-shelf tool such as the PSA requires a deliberate process to decide how charges match onto the tool's identified risk levels. Lucas County worked closely with a consultant who was familiar with the tool and who helped the county develop definitions that matched local charges. In addition, Lucas County Pretrial Services developed a robust quality-assurance process that facilitated learning and streamlined the development of recommendations among pretrial assessment officers preparing PSA reports.

## Conclusion and Common Themes

Although the contexts in Charleston and Lucas Counties were distinct, the following common themes on the use of risk assessment and structured decisionmaking for pretrial release emerged that can be useful guidance for other local jurisdictions.

- **Increasing objectivity and equity by providing consistent information was a key goal for implementing risk assessment.** This was a consistently articulated goal from Charleston County and Lucas County stakeholders, and it had implications in the incorporation of equity testing in approaches (and stakeholder expectations for approaches) to assessment validation and performance measurement.
- **Robust pretrial decision options are necessary for a pretrial risk assessment tool to significantly improve system outcomes.** The lack of pretrial services in Charleston County limited the value it has obtained from implementing the CPRAI, for example. In comparison, Lucas County developed multiple options ranging from release on one's own recognizance to

release with pretrial supervision to pretrial detention, providing a great potential contribution for assessment-informed decisionmaking.

- **Preserving space for discretion was important for securing buy-in to the use of assessment.** There was a clear consensus that emphasizing that assessment results provided guidance and information but did not mandate certain decisions was important for securing and maintaining the support of judges and other system actors. “It’s not directive, it’s just a tool” was a common refrain in the interviews. But too much latitude around what outcomes should relate to a given risk score cuts against the goals of greater consistency and transparency in pretrial decisions. Finding the right balance between maintaining discretion and setting expectations for how assessed risk level should relate to decisions is a fundamental challenge of implementing risk assessment. Articulating the desired outcome by risk level makes monitoring of data on overrides and communicating consensus expectations possible. Structured decisionmaking tools are a vehicle for doing this, one that Lucas County had in place but Charleston County did not, although the latter’s CJCC did engage in robust process measurement.
- **Data capacity and staff investments can be necessary to have assessment results available for speedy bond and release hearings.** Even tools like the CPRAI and the PSA that can be scored from administrative data can’t necessarily be automated and require dedicated staff time. Both counties featured in this case study have invested in dedicated pretrial staff working on a daily basis to ensure timely pretrial assessment results are available to inform pretrial release decisions. This investment includes ongoing monitoring and audits to ensure consistency across staff assessors and maintain the reliability of the assessment data.
- **Stakeholders need to be educated on the content and purpose of risk assessment in order to develop confidence and support for use.** This includes at least the judiciary, prosecutors, and defenders. Technical assistance and engagement from outside experts played valuable roles in stakeholder education on risk assessment in both sites, but stakeholders stressed that peer education and support are just as important.
- **Attention to predictive equity in tool validation and revalidation is necessary.** It follows from the intent to increase equity in pretrial decisionmaking that analysis of pretrial assessment performance must include attention to equity, particularly relative to persistent racial and ethnic disparity in local justice involvement. As was done in the Charleston County and Lucas County studies, any validation studies should compare predictive validity by age groups, race, and gender/sex identification in the study sample. In Lucas County, the new validation study found some differences in predicted FTA outcomes for Black male defendants and female

defendants, which consequently prompted stakeholders to reconsider some weights in the score and changes to the decisionmaking framework.

- **Incorporating demographic factors into pretrial assessment raises equity challenges.** Considerations of equity and predictive accuracy are challenging to balance—the relationship between a person’s age and their likelihood of an FTA was well established in the CPRAI and PSA development and validation studies, and it appears that the did not deliver the same level of predictive accuracy for women as for men, requiring the incorporation of gender into the tool to adjust for differential accuracy. However, basing pretrial decisions in part on those factors raised serious concerns about equal protection among some stakeholders.
- **The rationale for monitoring the equity impact of pretrial risk assessment must be explained to stakeholders.** Our interviews suggest it is not intuitive to everyone why this might be necessary. Several interview respondents in each site, when asked whether there had been examination of or concern about how pretrial assessment might contribute to disparity, were perplexed about how this could be the case for a tool built on objective data. This view overlooks the possibility that assessment factors may reflect more about past system behavior and biases than about defendants’ characteristics. Performance measures of risk assessment disaggregated by race, such as those in Charleston’s dashboards, are a tool that can help ground discussion and reflection on this point.
- **Hard-won consensus on a tool’s use can create resistance to changes to the tool or how it’s used.** Systems that have been making substantial reforms and changes to practice can experience “change fatigue.”
- **Risk assessment and structured decisionmaking were not topics addressed through community engagement.** For all the concerns about the intersection of assessment and equity in national justice reform discourse, in neither of the sites featured in this case study did stakeholders report significant community engagement around the use of pretrial risk assessment in their reform efforts (although there was substantial community engagement around other SJC initiatives).

The contribution of pretrial risk assessment in a comprehensive local justice reform effort like the Safety and Justice Challenge can be difficult to define. Pretrial risk assessments are decision aids, and they affect outcomes only to the extent that they are applied to change the pretrial release and detention decisions being made. Pretrial risk assessment was implemented in tandem with other SJC strategies intended to achieve similar outcomes in Charleston and Lucas Counties, and a number of system outcomes consistent with the decarceration goals of pretrial risk assessment manifested: less



use of monetary conditions of release, reductions in the jail population, and increases in pretrial success rates.

The connection between equity and the use of assessment is likewise complicated. Greater transparency in decisionmaking is one of the potential equity benefits of risk assessment instruments, as the factors and the weighting of them that result in a CPRAI or PSA score are clearly stated in a way that the individual-level considerations of judges and other system actors cannot be. But they are also built to predict justice outcomes such as arrests, and they use factors, such as past justice involvement, that are partly the result of long-standing patterns of inequity in enforcement. The validation and research analyses of the assessment tools in Charleston and Lucas Counties investigated equity issues in both tools, in some cases indicating problems that need to be addressed through model modification. As local reform processes continue to unfold in both jurisdictions, continual monitoring and testing of the equity effects of pretrial assessment, and changes to practice as indicated, will be necessary to ensure that the aspirations that these tools will make local systems more objective and fair are borne out and that different approaches are substituted if they are not.

# Appendix A. Charleston County PSR Overview and Template

This appendix contains two resources used in Charleston County's pretrial risk assessment process: (1) a statement from Charleston County's Criminal Justice Coordinating Council explaining the decision to use a pretrial service report to inform bond-setting and standardize the assessment of risk, and (2) the version of the pretrial service report used in 2021.



## Background

Charleston County's Centralized Bond Court chose to use a pretrial service report (PSR) in order to **better inform bond-setting judges** and provide a **consistent, objective and reliable way to assess for risk of rearrests and/or missing court**. The PSR is a two-page form of information provided for use in initial bond hearings. The PSR summarizes core information about the defendant and provides the results of a pretrial risk assessment.

Following a period of data collection and analysis, the Virginia Pretrial Risk Assessment Instrument- Revised (VPRAI-R) was deemed appropriate for use in the PSR. It went into effect Jan. 8, 2018. The CJCC 2018 annual report includes key findings from its use, below.

- Bond judges ordered personal recognizance (PR) bonds more frequently among lower levels of risk and financial bonds in higher levels of risk suggesting a relationship between the risk-level assessed and judicial decisions.
- Data on defendants' assessed risk and release outcomes indicated the VPRAI-R properly assesses for risk of re-arrests during the pretrial period and failure to appear. The pretrial failure rate (re-arrest and/or failure to appear) increased as the risk level increased.
- Releases on financial bonds did not outperform those released on PR bonds. Overall, pretrial failure rates were higher for financial bonds than PR bonds at risk levels 1, 2, 3 and 4. Pretrial failure rates in risk levels 5 and 6 were nearly equal among financial and PR bonds.
- Due to limited staff (i.e., 3 staff that work 7 days a week), technological and logistical constraints associated with the video interview process, only 51.5% of eligible cases were risk assessed.

The desire to see if the predictive abilities of the existing instrument could be improved through local validation as well as increase the number of cases being risk-assessed led to a more robust analysis by the JFA Institute in 2019. The researchers found the VPRAI-R produced satisfactory results and could be improved. The researchers then created a locally validated instrument, known as the Charleston Pretrial Risk Assessment Instrument (CPRAI).

**Researchers found all relevant tests proved the CPRAI to be superior to the VPRAI-R.** The CPRAI is more predictive than the VPRAI-R and provides greater definition in risk levels. It allows more cases to be assessed as it does not require a video interview. The researchers also did not locate any persistent or sustained bias by gender or race.

Similar to the VPRAI-R, the CPRAI provides an objective, reliable and valid assessment for risk of re-arrest and failure to appear during the pretrial period. It predicts whether a defendant falls into a group that is more likely or less likely to get re-arrested and/or miss court while in the community on pretrial release. It is not capable of predicting future violence or intentional flight from justice.

## Moving Forward

An updated PSR with the CPRAI went into effect on Jan. 8, 2020. Skilled pretrial analysts continue to rely upon data from the NCIC criminal history, probation and parole, solicitor office, court indexes and the jail to compile information used to complete the PSR. Data will continue to be collected for follow up evaluations of predictive accuracy as well as continued monitoring for any racial or gender bias.

As with the past version of the PSR, the updated PSR is **not intended** to be the sole factor used in making bond decisions. **Judges consider the factors required by law, information provided by the state and defense during the bond hearing, and the PSR prior to rendering a decision appropriate to each individual case.**



**CJCC PRETRIAL SERVICES REPORT**

<b>Interview #:</b>		
<b>Today's Date:</b>	<b>Inmate #: 000</b>	<b>Bond Hearing:</b>
<b>Defendant's Name:</b>		
<b>Race:</b>	<b>Ethnicity:</b>	<b>Gender:</b>
<b>DOB:</b>	<b>Age:</b>	
<b>FOR COURT INQUIRY:</b>		
<ul style="list-style-type: none"> <li>● Address</li> <li>● Auto Court Reminder</li> <li>● Marital Status</li> <li>● Primary Caregiver</li> <li>● Employment</li> <li>● Gang Member (NCIC)</li> <li>● Disability</li> </ul>	<ul style="list-style-type: none"> <li>● Time in Community</li> <li>● Phone Number</li> <li>● Number of Children</li> <li>● Highest Level of Education</li> <li>● Indigence Status</li> <li>● Unlawful Alien</li> <li>● Attorney Name</li> </ul>	
<b>Number of SACDC bookings in last 2 years:</b>		<b>Probation/Parole: (Y/N)</b>
<b>Booking date:</b>		<b># of FTA's:</b>
<b>Pending offense(s) involving weapon: (Y/N)</b>		
<b>Criminal History: (Y/N)</b>		<b>Criminal History Class: (Felony/Misdemeanor)</b>
<b>Criminal History Description: (Violent/Nonviolent)</b>		<b>Criminal History Convictions: (#)</b>
<b>Law Enforcement Agency</b>	<b>Current Charges</b>	<b>Charging Doc</b>

**Factors in the Charleston County Pretrial Risk Assessment Instrument, C-PRAI**

For each factor indicated, add the corresponding point value to the defendant's risk score. The point values are as follows:

Risk Factor	Criteria	Assigned Points
<b>Supervision</b>	If the defendant is under active community supervision	( 0 / 3 )
<b>Charge Type</b>	If current charge(s) are associated with greater risk of failure	( 0 / 1, 3 )
<b>Pending Charge(s)</b>	If the defendant has one or more charges pending in court at the time of the arrest	( 0 / 2 )
<b>Criminal History</b>	If the defendant has one or more misdemeanor or felony convictions	( 0 / 2 )
<b>Failure to Appear</b>	If the defendant has two or more failure to appear entries	( 0 / 3 )
<b>Violent Convictions</b>	If the defendant has two or more violent convictions	( 0 / 1 )
<b>Gender</b>	If the defendant is a female	( 0 / -1 )
<b>Multiple Charges</b>	If the defendant is facing two or more charges	( 0 / 2 )
<b>Current Age</b>	If the defendant is: a) under 25, b) 25-34, c) 35-44, d) over 44 years	( 0 / 1 - 3 )

**Total Points (-1 to 19):** \_\_\_\_\_

**Risk Level :** \_\_ (1 - 4) \_\_\_\_\_

**Level 1** (scoring -1 to 5) **Level 2** (scoring 6 to 9) **Level 3** (scoring 10 to 12) **Level 4** (scoring 13 to 19)

Please be advised this risk score is intended for the consideration of the bond-setting judge and is only valid at the time of the bond hearing for which it was prepared.

**Failure Rates by Risk Level**

Risk Level	1	2	3	4
% Pretrial Failure	10%	29%	45%	65%

Pretrial failure was defined as re-arrest or missed court appearance during the pretrial period.

# Notes

- <sup>1</sup> Though most pretrial risk assessment instruments currently in use do not use machine learning techniques, including those in the jurisdictions discussed in this case study, these requirements and the challenges they address are applicable to actuarial assessment tools more generally.
- <sup>2</sup> “U.S. Census Bureau QuickFacts: Charleston County, South Carolina,” US Census Bureau, accessed January 31, 2022. <https://www.census.gov/quickfacts/fact/table/charlestoncountysouthcarolina,US/PST045221>.
- <sup>3</sup> Jurisdictions receiving significant and sustained grant support from the SJC provide monthly data to the CUNY Institute for State and Local Governance on jail population indicators such as average daily population and bookings, which are the source of this analysis.
- <sup>4</sup> Charleston County’s SJC strategies evolved continually over its SJC participation period as it accomplished some goals and learned lessons from community engagement, data analysis, and progress. A new strategic plan with 12 initiatives was released in 2020, and is available here: <https://cjcc.charlestoncounty.org/files/2020-Strategic-Plan-FINAL.pdf>.
- <sup>5</sup> Charleston County upgraded to the most recent version of the VPRAI, the VPRAI-R, in the summer of 2017. See Danner, VanNostrand, and Spruance (2016) for details on development of the VPRAI-R.
- <sup>6</sup> For a pretrial risk assessment, the AUC statistic can be interpreted as the probability that a randomly selected person experiencing pretrial failure will have a higher risk score than a randomly selected person experiencing pretrial success. Thus, an AUC of 0.50 would mean a tool does no better than a coin flip at determining likelihood of pretrial failure or success.
- <sup>7</sup> For a public-facing presentation of this dashboard data, see slides 22–25 of the November 2021 CJCC meeting presentation here: <https://cjcc.charlestoncounty.org/minutes/11-17-2021.pdf>.
- <sup>8</sup> Though not the focus of SJC work, the federal/US Immigrations and Customs Enforcement detainee population held in the Charleston County jail nearly quadrupled between 2014 and 2019.
- <sup>9</sup> Baseline is the six months before May 1, 2016, when the implementation phase of the SJC officially launched, and year 3 is the last implementation quarter of year 3, February to April 2019.
- <sup>10</sup> “QuickFacts: Lucas County, Ohio,” US Census Bureau, accessed November 2, 2021, <https://www.census.gov/quickfacts/fact/table/lucascountyohio/PST045219>.
- <sup>11</sup> “Lucas County, OH,” Vera Institute of Justice, last updated December 16, 2021, [https://trends.vera.org/state/OH/county/lucas\\_county](https://trends.vera.org/state/OH/county/lucas_county).
- <sup>12</sup> “Safety + Justice Challenge (SJC) - What Is It?” Lucas County Criminal Justice Coordinating Council, accessed November 2, 2021, <https://lucascountycjcc.org/SJC>.
- <sup>13</sup> “About Us,” Lucas County Criminal Justice Coordinating Council, accessed November 2, 2021, <https://lucascountycjcc.org/About>.
- <sup>14</sup> Matt Alsdorf, “New Data from Ohio Validates PSA Impact,” Arnold Ventures, August 10, 2016, <https://www.arnoldventures.org/stories/new-data-ohio-validates-psa-impact/>.
- <sup>15</sup> Alsdorf, “New Data from Ohio.”
- <sup>16</sup> Alsdorf, “New Data from Ohio.”
- <sup>17</sup> Lucas County has established exclusion criteria for cases that would not be subject to the PSA. Cases excluded from the requirement to prepare a PSA report include people facing interstate charges, US Immigration and Customs Enforcement holds, minor misdemeanors, juveniles, and probation violations for charges initiated three to six months before these bookings.

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