

Pretrial Assistance to California Counties (PACC): Riverside County Technical Assistance Report

Introduction

Between December 2012 and May 2015, Riverside County Stakeholders engaged in an intensive process of improving their pretrial justice system. This effort was led by the Riverside County Probation Department (RCPD) with assistance from the Crime and Justice Institute (CJI) at Community Resources for Justice and support from the Public Welfare Foundation through the Pretrial Assistance to California Counties (PACC) initiative. Key accomplishments during this process include the following:

- The selection, adoption, and validation of a pretrial risk assessment tool;
- The creation of a pretrial supervision unit with risk-based guidelines; and
- Expansion of data collection and quality assurance processes.

The following report outlines Riverside's technical assistance process and results, and provides additional detail on the county's goals and future plans for pretrial justice system improvements.

Background

Located in the Inland Empire region of southern California, Riverside is one of the state's most populous counties. Riverside County covers an area of approximately 7,200 square miles and hosts a population of over 2.3 million residents. The Riverside County Sheriff's Department manages four adult correctional facilities. At the time that the PACC work began in 2012, the department's average daily population was approximately 3,700

California Policy Reforms: Assembly Bill 109 and Proposition 47

California's 2011 Public Safety Realignment Act (AB 109) was enacted to reduce overcrowding in the state's prisons. Passed in response to a series of federal court rulings requiring the state to reduce its prison population by over 25%, AB 109 required that non-serious, non-violent, non-sex offenders serve their sentences in county jails. AB 109 also made counties responsible for post-release supervision of prisoners convicted of serious and violent offenses.

In 2014, voters passed the Reduced Penalties for Some Crimes Initiative (Prop 47) which recategorized some non-serious, non-violent felonies as misdemeanors. Offenses including shoplifting, forgery, fraud (all under \$950), and personal use of most illegal drugs which were formerly felonies were reclassified as misdemeanors. The change also allowed anyone currently incarcerated for those offenses to petition for release. Money saved as a result of the measure was to be invested in school truancy prevention programs, victim's services, and mental health and substance abuse treatment.

inmates. In 1993, a federal court decision required that Riverside County hold its correctional population below 3,906 inmates. In response to the population pressures of realignment, the Sheriff's

Department was releasing inmates on a daily basis in order to stay below capacity.

In July 2012, the pretrial services function was transferred from the Superior Court to the Probation Department. In establishing the Pretrial Services Unit (PSU) within the Probation Department, the county sought to reduce unnecessary pretrial detention and increase its capacity for effective pretrial supervision by applying research-based practices to the county's pretrial release system.

PACC Technical Assistance Process

CJI's technical assistance (TA) process began with a comprehensive system assessment to identify Riverside County's strengths and areas needing improvement. The assessment included not only PSU and RCPD leadership, but also representatives of the Court, Sheriff's Department, Public Defender's Office, and District Attorney's Office. This interagency collaborative, known as the Pretrial Steering Committee, was formalized early on in the technical assistance process. After meeting individually with stakeholders, observing pretrial operations, mapping the county's criminal case processing, and reviewing policies and procedures, the CJI technical assistance team worked with the Steering Committee and with PSU staff and managers to identify priorities and system reform goals.

The assessment and planning process resulted in a detailed work plan that would guide implementation efforts over the next two years and which included the following goals and objectives.

Goal 1. To increase the rate of release on own-recognizance by **using an evidence-based and locally validated risk assessment tool** to inform judicial release decisions. To accomplish this goal, Riverside County pretrial leadership determined they would need to select an evidence-based tool;

conduct informal meetings and formal training to gain buy-in from system stakeholders; develop policies and procedures for risk-based release recommendations; train staff on the use of the tool; develop quality assurance procedures to ensure accurate use of the tool; collect data for local validation; and possibly adjust the tool and protocols based on the results of the validation study.

Goal 2. To ensure that **release recommendations and judicial release decisions correspond to defendants' assessed risk**. In accomplishing this goal, the PSU management developed measures and reporting mechanisms to monitor the rate of overrides (i.e., when recommendations did not align with risk level due to extenuating circumstances); monitored the correspondence between risk, recommendation, and release decisions; and provided Court leadership with feedback on release decisions.

Goal 3. To **develop a continuum of risk-based pretrial supervision options**. To accomplish this goal, RCPD developed a robust supervision infrastructure including court reminders and electronic monitoring; developed a graduated sanction matrix that incorporated the defendant's assessed risk and the severity of noncompliance; augmented IT systems to track process and outcome measures; and created detailed monthly performance measurement reports to monitor progress.

Highlights and Accomplishments

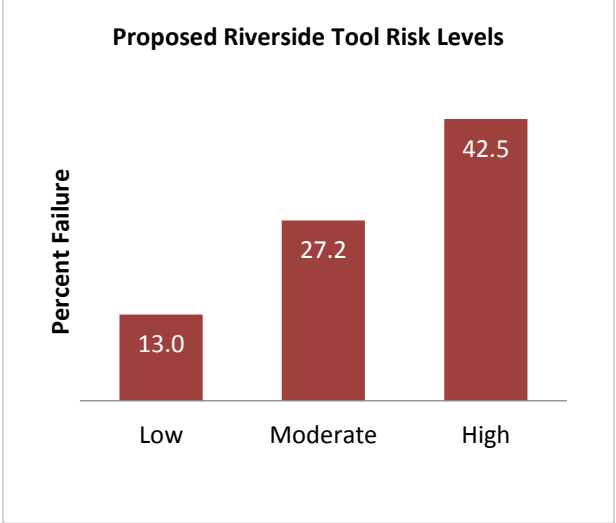
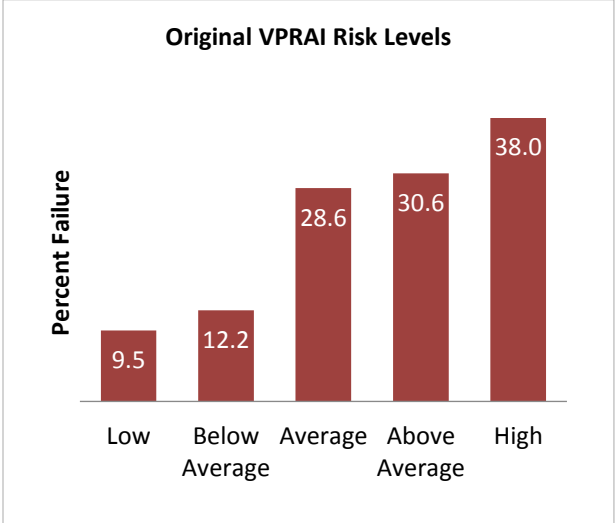
Pretrial risk tool. Riverside County took a thoughtful approach to adopting a risk assessment tool. After comparing several tools across factors such as ease of administration, compatibility with other tools in use system-wide, and cost, they selected the Virginia Pretrial Risk Assessment Instrument (VPRAI) as an interim tool for making recommendations and

collecting data as they worked to develop a locally validated instrument. Probation Department leadership insightfully determined that the tool would not be used until several conditions were met. First, policies and procedures were developed and approved by all system stakeholders. Following that, the VPRAI was integrated into their case management system and staff received expert training in the use of the VPRAI. Finally, quality assurance procedures were put in place to ensure that the tool was being administered properly.

Riverside began using the VPRAI for release recommendations in March of 2014. Shortly after the launch, pretrial partners turned to the collection of data in addition to that required by the VPRAI to inform the development of a locally validated tool. With the assistance of CJI and research partner Brian Lovins, Riverside Probation developed protocols for collecting data on variables that had been found to predict pretrial outcomes in other jurisdictions. These indicators were integrated into RCPD’s case management system so that their Information Technology Department (IT) could ensure the quality of the data.

It took over a year to amass a sufficient sample of cases for the validation study which was concluded in November 2015. The analysis found that the VPRAI predicted well overall, but revisions to the items and risk categories would result in a tool that would be more useful for the Riverside population. Riverside County is planning on moving from the VPRAI tool which has seven questions, a scoring range from 0 to 9, and five risk levels, to the proposed Riverside Pretrial Risk Assessment Instrument (RPRAI) tool which has five questions, a scoring range of 0 to 5, and three risk levels. The RPRAI also differentiates risk levels better by gender and race, two important factors when validating an assessment tool in order to ensure the tool works equally well for everyone.

A key to Riverside’s successful implementation of the VPRAI was the Community of Practice that they assembled to ensure accurate use of this tool. A group of senior probation officers met weekly in the initial weeks after launch of the VPRAI and monthly thereafter to discuss any problems that staff were encountering with administration and scoring of the risk tool. This group provided supervision and coaching to officers using the tool and communicated with PSU management and IT staff to address issues. The Community of Practice helped to develop a FAQ addendum to the interview guide to document decisions about interpretation and scoring for situations that were not clear cut. Their work with IT to detect scoring



errors in the data resulted in a dramatic reduction in errors when pretrial officers were given feedback on their scoring and asked to make corrections. The Community of Practice and other quality assurance data reviews not only increased confidence in officers' ability to accurately assess pretrial defendants, it also resulted in a consistently low override rate. In April 2015, the total override rate for the previous 12 months was 11%. Since the passage of Prop 47 in November 2014, however, the override rate has been between 12% and 16% due to the assessment of a greater number of defendants charged with more serious offenses such as domestic violence and sex offenses.¹

Riverside PSU will be using the important lessons they learned during the PACC project to implement their new RPRAI tool with the same fidelity and attention to detail seen with the VPRAI's implementation in 2014. With the knowledge of how pretrial assessments work, the Community of Practice, and IT all working together, CJI is confident that the RPRAI will be implemented with the fidelity and quality assurance needed at this important step in Riverside's criminal justice system.

Supervision. Prior to PACC, Riverside reported that judges released approximately 55% of defendants that were recommended for release on own recognizance (OR), which amounted to only 4% of all felony defendants. There was a clear need for an infrastructure to supervise defendants in the community. Because formal supervision was a new concept for Riverside, it was also necessary to build trust and confidence among stakeholders. In consultation with the Steering Committee and in light of budget and resource realities, Riverside Probation adopted a phased approach to pretrial

supervision. Initially they put in place supervision officers, integrated pretrial case management into their existing IT system, and set guidelines for monitoring release conditions for defendants judged by the court to be relatively low risk.

Prior to the adoption of the VPRAI, Riverside developed risk-based release guidelines and worked to ensure buy-in from all system stakeholders. In addition to specific court-ordered release conditions, the guidelines dictated that low-risk defendants received only court date reminder calls, moderate risk defendants would also receive monthly contact, and high-risk defendants received closer monitoring and more frequent contact. When CJI's involvement ended, the PSU was working with the Sheriff's Department to make electronic monitoring available for high-risk defendants, but since the passage of Prop 47, the pool of eligible defendants has declined to the point where it is no longer feasible. By gradually building their supervision infrastructure and sharing results with their partners, Riverside PSU increased the rate at which judges agreed with their release recommendations from approximately 55% prior to PACC to over 70% on average for the 12 month period ending April 2015.²

Data. Consistent with Riverside Probation's data-driven culture, the PSU management team developed a system for the collection and monitoring of performance indicators. Guided in large part by the National Institute of Correction's Measuring What Matters,³ the PSU management team and Probation Department leadership worked with system stakeholders to collect key process measures such as the number of defendants booked on new felony arrest and the percentage that were

¹ Source: Riverside Pretrial Outcomes and Performance Measures, April 2015

² Source: Riverside Pretrial Outcomes and Performance Measures, April 2015

³ National Institute of Corrections. (2011). Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field

screened for pre-arraignment release. They also tracked pretrial performance indicators such as rates of failure to appear and arrest for new crimes. On a monthly basis, their *Dashboard* report provided a brief snapshot of the key system indicators suggested by Measuring What Matters. The more detailed *Pretrial Outcomes and Performance Measures* report provides current month and historical measures of many of these same indicators in more detail, along with concurrence and override rates.

Each month, PSU management and members of the Probation Department leadership team meet to review these reports; the data guides the process improvement efforts. This constant monitoring and

drive toward improved outcomes has resulted in steady improvements. The county's appearance rate was 78% for the six months ending April 2015, up from an average of 68% for the three months ending October 2014⁴. The new crime avoidance rate (i.e., defendants that were not arrested while on pretrial release) was consistently above 95% and the year-to-date average in April 2015 was 97%. Their overall success rate increased from 63% in the three months through October 2014 to 77% in the six months through April 2015.⁵

Ongoing Challenges

Screening and logistics. A consistent challenge in Riverside is the large proportion of pretrial detainees that are arrested, booked, and released on bond before they can be screened and assessed for pretrial release. While private surety and the county's bond schedule together result in the speedy release of many defendants, the effect is a system whereby defendants are released based on their resources, not on their public safety risk. While Riverside County has worked diligently to screen defendants and expedite their pre-arraignment release, they consistently assessed fewer than half of new felony arrestees booked into the jail. The Probation department has explored a number of options for expanding pretrial screening. Union agreements prohibit extending PSU staffing to 24 hours, 7 days a week, so, as an alternative, PSU managers began efforts to educate arrestees and their families about the costs of commercial bonding services and their right to no-cost pretrial release before a judge.

The county's size impacts the screening procedures as well—Pretrial Services must staff all four of the county's jails as there is no central intake facility where all defendants are processed. The daily

Riverside County Pretrial Services Unit

Mission

Serving Courts – Protecting Our Community – Changing Lives

Vision

Provide the citizens of Riverside County with quality public safety services and an environment that is conducive to a safe, healthy and productive lifestyle.

Values

- Serve the Courts by providing the most informative, concise reports in order for the Judges to make an informed decision on if OR is appropriate
- Protect the community by taking into consideration public and victim safety
- Have the potential to change lives based on the analysis of the information compiled in the course of the pretrial process to make a recommendation to release or detain an individual

⁴ RCPD began tracking outcome information in August 2014.

⁵ Source: Pretrial Outcomes and Performance Measures, April 2015 and October 2014

coverage needs and different logistical challenges at each jail complicate staffing and screening procedures.

With recent staffing increases and the passage of Prop 47, the PSU is now interviewing in excess of 85% of eligible defendants that do not bond out within a day.

Pretrial report. When PACC began in 2012, there was already a lengthy and thorough reporting process in place. Each report contained a written narrative summarizing the police report, criminal and failure to appear history, and whether the defendant was recommended to be released or detained. Reports were taking nearly two hours to complete, meaning that officers could interview only four to six defendants per shift. Due to the busy docket and lengthy report, Judges were often not reading the entire report, especially when release was not recommended. In response, in 2015, PSU supervisors created a denial report for defendants that were not recommended for release; this report was shorter and took officers less time to complete. The hope was that more reports could be conducted and a higher percentage of release eligible defendants assessed.

Stakeholder engagement. Another challenge that many jurisdictions face when making sweeping changes in one part of the system is stakeholder engagement. Riverside PSU hosted Steering Committee meetings approximately semi-annually to update other criminal justice stakeholders on the progress of their initiatives. While turnout was good at many of these meetings, overall engagement tended to be low and less focused on working through problems and finding solutions. Riverside should continue to engage with Steering Committee members and criminal justice stakeholders as these meetings can be powerful tools to inform partners about challenges and successes and work toward a

shared goal of a fair, data-driven, and evidenced-based criminal justice system.

Staff turnover. Turnover can be a challenge in many organizations as staff that excel are promoted and those that do not work out leave the agency. In Riverside, neither of the two manager positions nor the two supervisor positions within the PSU were held by the same individual over the three year period defining the PACC project. While this was a conscious effort by Riverside County leadership and part of the culture to advance individuals that were performing well, it made institutionalizing and recording work and implementation planning all the more important. With no single individual that had actively worked on the implementation from the beginning through the end of PACC's technical assistance, it can sometimes be difficult to know why certain decisions were made or to not make the same mistake twice. Despite this, the PSU did very well keeping staff informed and engaged and providing as much continuity as possible.

Looking Forward

Riverside County has made major strides in the Pretrial Services Unit's turn toward using best practices and evidence-based practices in pretrial. With nearly any initiative, there are opportunities to continue to refine and improve the systems that are already in place. Many of these refinements are already underway by Riverside's PSU.

Data collection. Riverside completed the milestone task of validating their pretrial risk assessment instrument in November 2015. One of the recommendations from that report was to continue to track relevant data elements for future validation and risk level norming. Validation is an ongoing process and should be completed every three or so years or if a new population is going to be assessed. For example, if Riverside were to start assessing more misdemeanor defendants, the tool should be

revalidated because a large misdemeanor population was not part of the original validation study. Norming of risk levels should also be periodically conducted to ensure that the cutoff values are still valid and produce distinct risk categories.

Court reminders. Court reminders, whether via mail, phone, email, or other mediums, are one of the more promising practices in the pretrial field and have been shown to reduce failures to appear. Riverside PSU has provided court reminder calls to defendants that they supervise since the inception of their supervision unit. However, there is a considerable amount of hours dedicated to this task by PSU staff, and defendants that are on straight or conditional OR (i.e., receive no supervision) do not receive these calls. Riverside County has been working towards contracting with a vendor that will provide electronic court reminders for defendants released by the court. The department hopes to have a vendor in place by the end of the 2016 fiscal year. Once in place, Riverside's implementation experience and data-driven processes should allow the county to determine if they have been able to reduce failures to appear with the implementation of this process.

Revision of manuals. In early 2015, Riverside PSU completed work on manuals for Investigations, Supervision, and using CLETS, Riverside's criminal history software. Prior to implementing the VPRAI, an interview guide was created and an FAQ document has been created and updated since implementation started. With the upcoming implementation of the new RPRAI tool, many of the manuals will need to be updated. Keeping up-to-date information helps with training new staff on department procedures and ensures that they are able to reliably conduct the assessment tool and make confident release recommendations. Release

recommendations will also need to be updated as PSU will be moving from five risk levels to three.

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For more information, contact Jesse Revicki at jrevicki@crj.org or visit CJI's website at www.crj.org/cji.