CRIME AND JUSTICE INSTITUTE

Delaware Pretrial Risk Assessment Validation & Lessons Learned

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Presentation Overview

- Pretrial Risk Assessment Implementation & Validation
- Delaware Pretrial Risk Assessment
- Validation Questions
- Study Design & Analytic Strategy
- Validation Sample
- Validation Results
- Summary & Limitations
- Next Steps

Implementation & Validation

- Why is pretrial risk assessment implementation and validation important?
  - Pretrial risk tools can either be developed for a target population or an existing tool can be adopted
  - Need to ensure adopted or developed tool predicts pretrial failure for target population and properly classifies risk
- Implementation planning is essential for this process to be successful and to prepare for a future validation of the tool

Implementation & Validation

- Implementation plans include
  - Training of staff and stakeholders
  - Fidelity monitoring and coaching to increase scoring proficiency
  - Quality assurance process for data collection and reporting
  - Planning for future validation (e.g., collect pretrial failure data)
  - Sustainability practices to support ongoing scoring proficiency, reliable data, and release recommendations

Delaware Pretrial Risk Assessment

- Delaware's pretrial risk assessment was developed for the state

- Primary risk factors included in the tool were identified from existing pretrial tools

- Many of the risk factors are pre-populated using existing data sources

- Following roll out of the pretrial tool, Delaware prepared for future validation

Delaware Pretrial Risk Assessment

- Current age (32 and under)

- FTA capiases in last 5 years (3 or more)

- FTA capiases for felony charges (1 or more)

- Current case has 1 or more felonies

- Criminal history includes felony convictions (0, 1, 2 or more)

- Criminal history includes Title 11, 16, and/or DUI misdemeanor convictions (1 or more)

- Criminal history includes drug and/or DUI convictions (3 or more)

- Currently on probation/parole

- Has open bail on other pending case

- Unemployed at time of arrest

- Lived at current residence for less than 12 months

Validation Questions

1. Is the Delaware pretrial risk assessment a valid instrument for predicting pretrial failure?

2. Does the Delaware pretrial risk assessment classify risk levels appropriately by distinguishing between low, moderate, and high risk defendants based on increasing pretrial failure rates?

3. Does the Delaware pretrial risk assessment appropriately predict risk of pretrial failure for various subgroups (e.g., by gender, race)?

Study Design & Analytic Strategy

- Univariate and bivariate statistics
  - Describes the demographics, charge severity & type, pretrial risk factor items, total score, and risk levels
  - Examines pretrial failure rates, pretrial failure rates by total score, and pretrial failure rates by risk level

- Multivariate statistics
  - Examines if the total score was significantly related to pretrial failure while controlling for other measures
  - Examines if the risk factor items were significantly related to pretrial failure while controlling for other measures
  - Identifies the odds of pretrial failure with each one point increase on the pretrial risk assessment

Validation Sample

- Random sample of 2,561 cases
  - Assessment was completed between 4/1/2014 and 12/31/2015
  - 70% male, 50% white, mean age of 33 years old
  - 53% had 1 or 2 charges, 69% had only misdemeanors
  - 59% low risk, 36% medium risk, 5% high risk
  - 3% failure to appear, 12% new criminal activity, 14% any pretrial failure

Validation Results

- Is the Delaware pretrial risk assessment a valid instrument for predicting pretrial failure?
  - No, pretrial failure did not consistently increase with total score
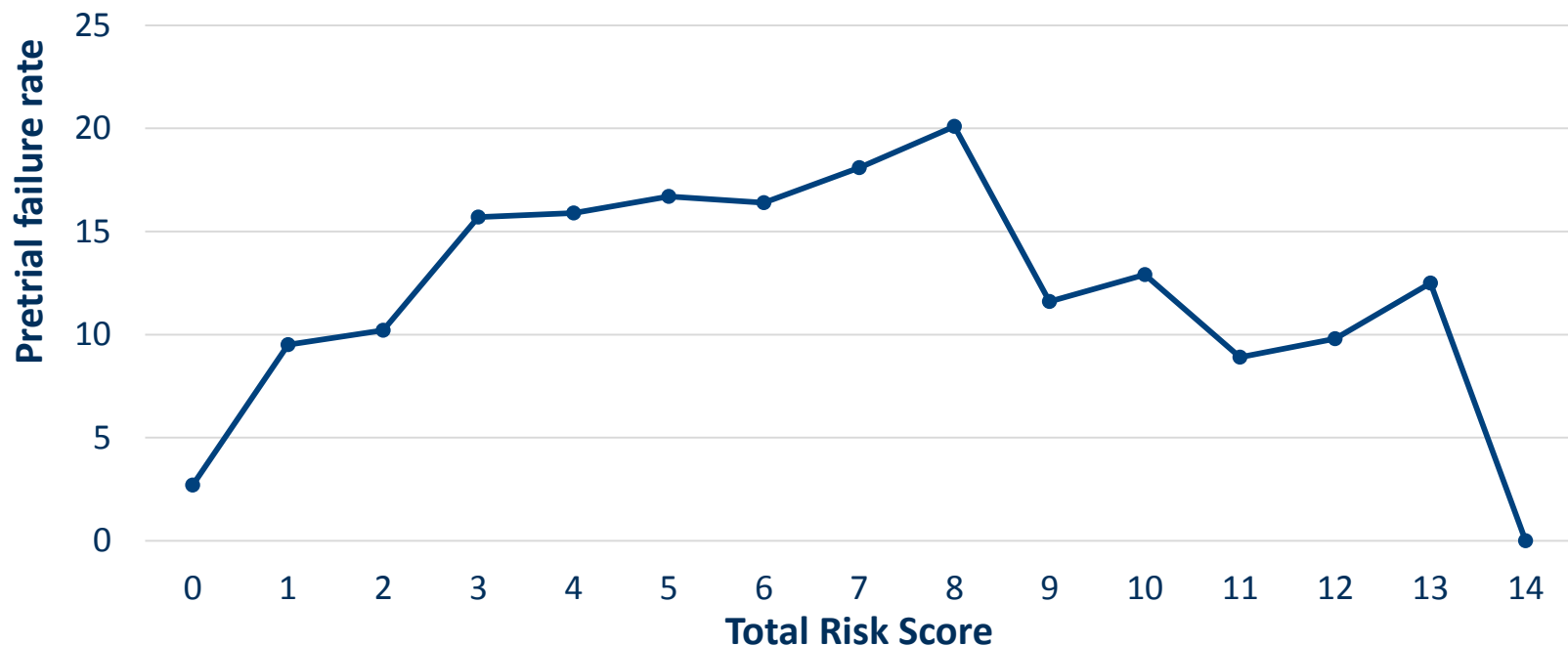
Validation Results

- Is the Delaware pretrial risk assessment a valid instrument for predicting pretrial failure?
  - No, overall tool had poor predictive validity
  - Seven of the 11 risk factor items did not demonstrate a significant association with pretrial failure
  - Significant predictors included
    - Current age
    - FTA capiases in last 5 years
    - Criminal history includes misdemeanor convictions
    - Current case has 1 or more felonies (predicted in opposite direction)
      - Most relationships were relatively weak

Validation Results
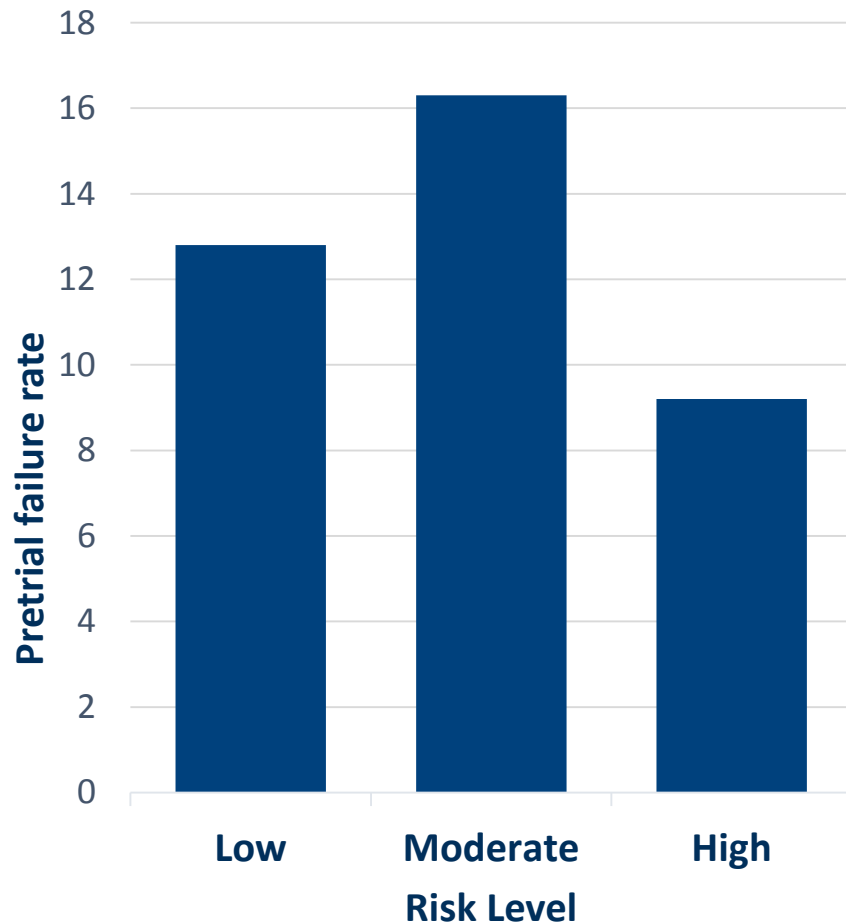
- Does the Delaware pretrial risk assessment classify risk levels appropriately by distinguishing between low, moderate, and high risk defendants based on increasing pretrial failure rates?
  - No, pretrial failure did not increase with increase in risk level
  - Moderate risk defendants failing at highest rates
  - High risk defendants failing at lowest rates

Validation Results

- Does the Delaware pretrial risk assessment appropriately predict risk of pretrial failure for various subgroups (e.g., by gender, race)?
  - No, the Delaware pretrial risk assessment did not perform well in terms of predicting for various subgroups
  - Prediction was poor by gender and by race
  - Prediction was poor by offense severity

Summary & Limitations

- Individual risk factors on Delaware pretrial risk assessment demonstrated primarily weak and not significant associations with pretrial failure

- Total risk score does not perform well in terms of predicting pretrial failure
  - Similar results for subgroups

- Risk levels do not appropriately classify defendants into low, medium, and high risk based on failure rates

Summary & Limitations

- Failure to appear outcome measure was very low (3%)
  - Appeared to be measuring executed failure to appear warrants as opposed to a defendant missing a court date
- During initial implementation, multiple pretrial risk assessments conducted when defendant had more than one case
- No step-by-step implementation plan to identify early data quality assurance needs

Next Steps

- Determine if current tool should be retained or new tool adopted or developed
  - If adopted, should complete the Consumer Scoring Guide to identify the most appropriate pretrial risk assessment for Delaware
  - If developed, should determine what data are currently available electronically, and what data points could be collected to create a mostly-automated pretrial risk assessment tool
  - Delaware should look to its current tool, as well as publicly available tools and current research to determine data points for developing a tool

Next Steps

- Address electronic data quality
  - Systematize failure to appear data collection and create a failure to appear outcome measure
    - FTA measure should reflect defendant behavior (missing a court date) as opposed to judicial behavior (issuance of FTA capiases)
  - Institute a quality assurance process to ensure all data are consistently and accurately captured system-wide
  - Some outcome data has been hand-collected; while this monumental task allowed for the collection of pretrial failure measures not captured electronically, it is not a sustainable practice and highlights the importance of accurate electronic data collection

Next Steps

- Help Delaware become informed consumers of pretrial risk assessments
  - Provide overview of existing pretrial risk tools and validation results
  - Provide necessary training on pretrial risk assessments
  - Provide institutional knowledge to select and implement a new tool with fidelity

Next Steps

- Conduct training on implementation stages and develop a comprehensive implementation plan for a pretrial risk assessment to be rolled out with fidelity
  - Implementation is an ongoing process and one that takes a significant amount of time and support from all levels of staffing
  - An implementation plan should:
    - Roll out tool with fidelity
    - Establish scoring and administration practices
    - Provide ability for assessment to be evaluated regularly for predictive validity
  - Develop and deliver train the trainer events to sustain fidelity practices

Questions/Contact

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