

Florida Multi-County Pretrial Risk Assessment Study¹

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Background. Evidence-based practices requires the use of validated criteria to assess the risks that pretrial defendants pose of being rearrested on new charges while their cases are pending and of failing to appear (FTA) in court. Florida Statute 903.046 (2) lists the criteria that judicial officers are to take into consideration in making pretrial release decisions. Those criteria include: the nature and circumstances of the offense; the weight of the evidence; the defendant's family ties, length of time in the community; employment history; financial resources; mental conditions; prior criminal history; prior history of appearance in court; current status on pretrial release, probation, and parole; and the "nature and probability of danger which the defendant's release poses to the community." The statute does not provide any guidance on what weight to assign each of these criterion in assessing a defendant's risk of danger to the community and non-appearance in court. But research has clearly demonstrated that it is possible to sort defendants into categories that accurately reflect the risks they pose to the safety of the community and to appearance in court.²

During 2011, six Florida counties participated in a project to develop a multi-county pretrial risk assessment instrument. The six counties are: Alachua, Manatee, Osceola, Palm Beach, Pinellas, and Volusia. The purpose of the instrument is to support pretrial decision making as outlined in state statute.

Methodology. Data were collected on a random sample of defendants who were released, either on ROR or through a cash or surety bail, between January and March 2011. Dozens of variables were tested through bi-variate and multivariate methods to construct an instrument that is valid at sorting defendants into risk group categories across the six counties.

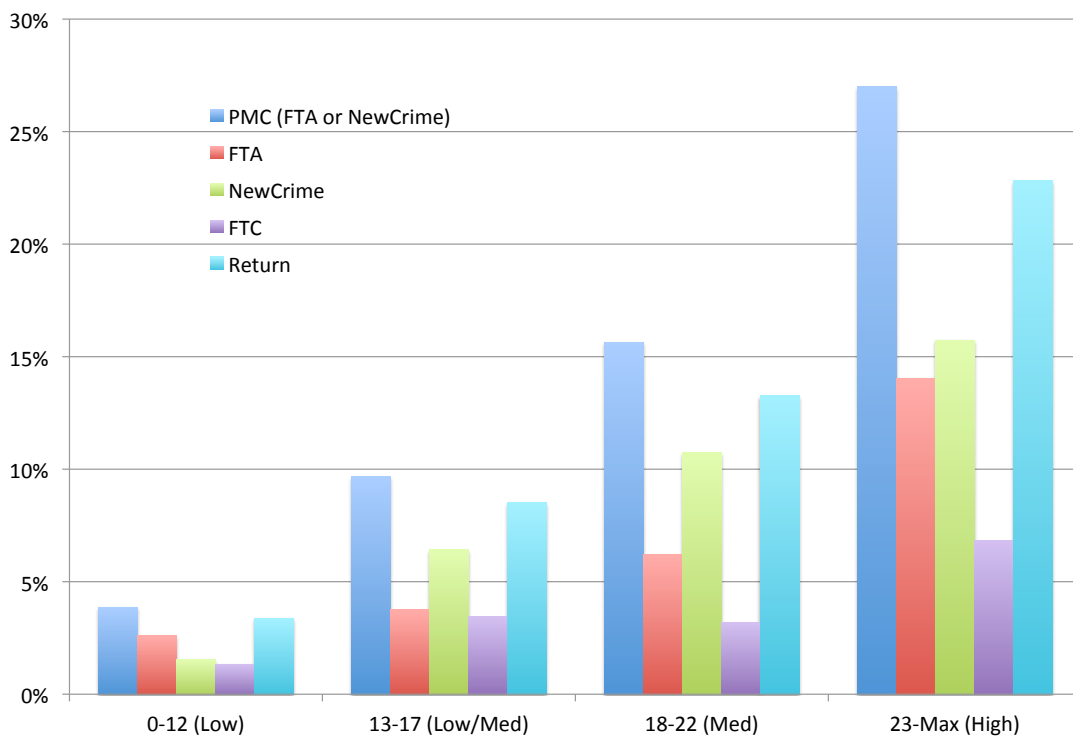
The following 11 factors were identified as having an independent effect on predicting pretrial misconduct: age at admission, current most serious charge, is current charge 907.041, employment status at admission, marital status, have a telephone/cell phone, time at current residence, history of substance abuse and/or mental health, previous failures to appear, previous adult felonies, and previous adult misdemeanors.

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² Cynthia A. Mamalian, *State of the Science of Pretrial Risk Assessment*, Washington, D.C.; Pretrial Justice Institute, 2011.

Based on the research, a 4-quartile classification scheme was constructed according to probabilities of failure on pretrial release, with Category 1 having the highest probability of failure and Category 4 as the lowest rate of failure.³ The base failure rate (the pretrial failure rate in the sample as a whole) was 13%. The classification strategy suggests that the Category 1 group had a failure rate of just 4%, the Category 2 group of 10%, the Category 3 group of 16%, and the Category 4 group of 26%. (See Figure 1.)

One should note that the use of categories may be preferable to risk level labels like “low”, “low moderate”, “moderate” and “high” given the overall low failure rates. For example, people assigned to category 4 are not really “high” risk since the vast majority do not FTA or get re-arrested. The sample tool appears on page 3.



³ Note, this is merely a diagnostic analysis. While implementing this tool, an agency might decide to use different cut points based, for example, on minimal acceptable misconduct levels.

Florida Pretrial Misconduct Risk Assessment Instrument

1 Age at Admission		
19 or younger	1	<input type="checkbox"/>
20 --- 29	2	<input type="checkbox"/>
30 or older	0	<input type="checkbox"/>
2 Current most serious charge		
Violent	1	<input type="checkbox"/>
Drug	2	<input type="checkbox"/>
Property	4	<input type="checkbox"/>
Other	0	<input type="checkbox"/>
3 Is current charge 907.041		
Yes	0	<input type="checkbox"/>
No	5	<input type="checkbox"/>
4 Employment status at admission		
Unemployed	3	<input type="checkbox"/>
Other	0	<input type="checkbox"/>
5 Marital status		
Single	6	<input type="checkbox"/>
Other	0	<input type="checkbox"/>
6 Have a Telephone/Cell phone		
Yes	0	<input type="checkbox"/>
No/Missing/Unknown	4	<input type="checkbox"/>
7 Time at Current Residence		
12 months or more	0	<input type="checkbox"/>
Under 12 months	5	<input type="checkbox"/>
8 History of Sub Abuse and/or Mental Health		
Neither	0	<input type="checkbox"/>
Substance Abuse	1	<input type="checkbox"/>
Mental Health	1	<input type="checkbox"/>
Both	4	<input type="checkbox"/>
9 Previous FTAs		
None	0	<input type="checkbox"/>
One	6	<input type="checkbox"/>
Two or more	14	<input type="checkbox"/>
10 Previous Adult Felonies		
None	0	<input type="checkbox"/>
One or more	2	<input type="checkbox"/>
11 Previous Adult Misdemeanors		
None	0	<input type="checkbox"/>
One or more	2	<input type="checkbox"/>
	Total Score =	<input type="checkbox"/>

Low Risk/Category 1 = 0 to 12 points

Low Moderate/Category 2 = 13 to 17 points

Moderate/Category 3 = 18 to 22 points

High Moderate/Category 4 = > 22 points

Summary and Conclusion

This study has shown that defendants in the six Florida counties can be sorted successfully into groups that show their probabilities of success on pretrial release, with success defined as not being rearrested on new charges and appearing for all court dates. The average success rate of defendants in the study was 87%, with two groups identified as having success rates above that average and two groups with rates below it.

Through the use of the risk assessment instrument validated here, pretrial services programs in these six counties can confidently provide their courts with the probabilities of success on pretrial release of all defendants who are assessed, and can tailor supervision strategies to correspond to the levels of risk. Those with the highest probabilities of success might be good candidates for a recommendation for release on recognizance. For those with lower probabilities of success, the pretrial services programs might need to recommend supervision levels appropriate to the identified risk levels.

Moreover, as the pretrial risk assessment research conducted in Virginia suggests, other Florida counties can use the instrument as well, with a reasonable expectation that it would be valid for their populations. While follow-up research would be needed ultimately to confirm the instrument's validity outside the six counties studied here, that research could be simplified by focusing only on the 11 factors comprising this risk assessment instrument.

Finally, this instrument can now also be used as a tool to help manage the pretrial populations in the county jails to assure that expensive detention space is being used for those with the lowest probabilities of success on pretrial release. If large numbers of detained defendants fall into categories of very high probabilities of success on pretrial release, efforts can be made to facilitate the release of these individuals, where appropriate. This, in turn, may provide an opportunity for significant cost savings to counties. For example, a recent study done by Florida State University found that in one county – Broward – the cost of supervising a defendant in the community on pretrial release was \$1.48 per defendant per day, compared to a daily cost of \$107.71 for housing a defendant in the Broward County Jail.⁴

Next Steps: PJI will be supporting local officials in the six counties as they review this research and seek to implement the tool in their systems. This will involve meeting with stakeholders, reviewing policies and procedures, and providing training as requested. All six counties will collect data for the year following implementation so as to enable a re-validation of the tool and a report on outcomes.

⁴ Alex Piquero, *Cost-Benefit Analysis for Jail and Alternatives to Jail*, Tallahassee, Florida, Florida State University, 2010.