



The Pretrial Risk Assessment

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 or 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 January 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 JFA Institute works with government agencies and foundations to evaluate criminal justice practices and design policy solutions. 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.

- As of June 2022, 92% of eligible cases were risk assessed.

Moving Forward

An updated PSR with the CPRAI went into effect on January 8, 2020. Skilled pretrial analysts continue to rely upon data from the National Crime Information Center (NCIC) criminal history, probation and parole, Solicitor's 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 decision. **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.**