

A STRATEGY FOR SAFER COMMUNITIES

ONE LESS, Third Edition E-News

Winter 2013

What is EBDM?

"Evidence-based decision making" (EBDM) is the practice of using research findings to inform or guide decisions across the justice system

An Initiative of the National Institute of Corrections: A Collaborative Project Among the Center for Effective Public Policy, Pretrial Justice Institute, Justice Management Institute and the Carey Group.

YOUR LOCAL EBDM EXECUTIVE TEAM:

The Honorable David Bottger, Chief Judge, 21st Judicial District
Craig Henderson, County Court Judge, 21st Judicial District
Pete Hautzinger, District Attorney, 21st Judicial District
Stan Hilkey, Sheriff, Mesa County (Co-Chair)
Susan Gilbert, Chief Probation Officer, 21st Judicial District
Dennis Berry, Director, Mesa County Criminal Justice Services Department
Trish Mahre, Chief Deputy District Attorney, 21st Judicial District
Bert Nieslanik (Co-Chair), Deputy Director, State of Colorado Alternative Defense Counsel,
Jennifer Sheetz, Criminal Justice Data Analyst, Mesa County Criminal Justice Services
Department/ DA's Office.
Contact: Sue Gormley, Local Initiative Coordinator, sgormley23@gmail.com

Pretrial Detention: To Release or Not to Release, that's one of the questions!

- If only the decision to release a person accused of a crime was truly as simple as answering the question "Should this person be incarcerated?". In reality there are numerous factors and requirements that *MUST* be taken into consideration when making orders regarding pretrial detention.
- "The purpose of bail, according to the American Bar Association (ABA) is to provide due process to the accused; ensure the defendants appearance at all hearings before the court; and protect victims, witnesses and the community from threats, danger and interference." ((Quoted from *Pretrial Justice Institutes Webpage*, <http://www.pretrial.org/Pages/bail-decision.aspx>)
- "The law favors release of defendants pending adjudication of charges. Deprivation of liberty pending trial is harsh and oppressive, subjects the defendants to economic and psychological hardship, interferes with their ability to defend themselves and in many instances, deprives

their families of support.” (Standard 10-1.1 ABA Criminal Justice Standards on Pretrial release, Third Edition 2002 as quoted from Pretrial Justice Institutes Webpage <http://www.pretrial.org/Pages/bail-decision.aspx>)

- The Mesa County Pretrial Work Group has taken great strides in addressing not only the basic question of pretrial detention but also questions surrounding the best way to protect the rights and needs of the accused while simultaneously preserving public safety and public expectations. As a result, in mid 2012 a newly validated pretrial risk assessment was implemented, the Colorado Pretrial Assessment Tool (CPAT), for use in arraignment hearings. This tool is designed to gauge the likelihood of a defendant appearing at court hearings and not committing any new law violations while on bond. Depending on an individual’s score they will be classified as one of the following risk profiles (listed in ascending order) :

CPAT PROFILE	LIKELIHOOD OF APPEARING AT ALL COURT HEARINGS	LIKELIHOOD OF HAVING NO NEW LAW VIOLATIONS
Category 1	91%	94%
Category 2	85%	87%
Category 3	71%	80%
Category 4	67%	71%

- These risk profiles should be used in addition to other legally required factors when deciding the type of bond to order a defendant.
- Generally, those defendants classified as Category 1 or Category 2 generally pose an acceptable level of risk to be released back into the community (exceptions are made for certain type of offenses that are generally considered extremely violent or extremely reprehensible to the community) and as such we expect to see the length of time these defendants spend in jail to be significantly less than those who are categorized as a Category 3 or 4. Data collection efforts have been in place since the beginning of this effort and upon completing a four month summary (July-October 2012) we can say the following:
 - Category 1 offenders spend the least amount of time in pretrial detention
 - Category 4 offenders spend the most amount of time in pretrial detention
 - The average number of days a defendant spent in pretrial detention during this time period was 3.5 days.

- As a general rule the length of time defendants spend in pretrial detention increases as their CPAT risk category increases.

More in-depth data and analysis on the CPAT and local bonding practices will be presented on March 1, 2013 at the local EBDM training OR contact Jennifer.Sheetz@mesacounty.us

PROXY PROGRESS!!!!!!

Mesa County Sheriff’s Department Deputies have a new tool to aid in their decision-making regarding arrest. After receiving training on the purpose and use of the Proxy triage tool late in 2012, deputies are now using it on patrol as of January 1, 2013. At the same time, tracking of the scoring and decision-making is occurring in the records management system for data collection purposes. Sheriff Stan Hilkey is pleased with the progress and encouraged by the active engagement of the deputies. “There have been a lot of questions, suggestions and comments

about this initial implementation . . . it’s been a good start”. **The three Proxy questions are: Current Age, Age at First Arrest and Number of Previous Arrests.** Refining the process, formalizing the decision-making, engagement of other law enforcement agencies in the county and changing arrest standards from “offense based” to “risk based” are all on the horizon for this part of the EBDM Initiative. For more information, contact Stan.Hilkey@mesacounty.us

**JUDICIAL DISTRICT TRAINING OPPORTUNITY---March 1, 2013
8:30-10:00 a.m. Jury Assembly Room, Mesa County Justice Center**

Glenn Tapia, Director of Community Corrections for the State of Colorado, Department of Public Safety, Division of Criminal Justice, will present “**Appropriate Use of Actuarial Risk Assessment in Sentence and Decision Making OR Demystifying the LSI**” for those wanting to learn more about the LSI (Level of Service Inventory) tool. For more information on the March 1, 2013 training, contact Sue Gormley at sgormley23@gmail.com

Chief Justice Michael Bender Highlights Mesa County

At the January 11, 2013 State-of the Judiciary address to a Joint Session of the Colorado Legislature, Chief Justice Michael Bender highlighted Mesa County’s EBDM Initiative as unlike any other in the nation. He opened his remarks by noting Mesa County’s initiative through the Mesa County Criminal Justice Group, serves as a shining example of how stakeholders with divergent interests, can work together to

solve community legal problems. “Mesa County is now a recognized national model for a plan to reduce criminal recidivism by applying evidence-based decision-making practices. These practices rely on actual data to determine which defendants pose the greatest risks, what circumstances drive that risk, what outcomes or sentences will have the best impact and what programs best serve public safety.

Although the Criminal Justice Leadership Group represents divergent interests within an adversarial system, they have found a way to collaborate by focusing on a common value—the need for public safety”.

EBDM MEETING CALENDAR

PRETRIAL WORK GROUP – February 6 and 20th, CJS BRIDGER BUILDING, 5:00 P.M.

PSIR- February 6, 2014 Noon to 1:00 p.m. Probation Conference Room

SENTENCING ALTERNATIVE GROUP – TBD, contact Joel.Bishop@mesacounty.us JUSTICE CENTER, COURTROOM #6, NOON TO 1:00.

EBDM EXECUTIVE MEETING – February 7, 2013, JUSTICE CENTER, COURTROOM #6, 7A.M.

March 1 Glenn Tapia “Demystifying the LSI” 8:30-10:00 a.m. JC—Jury Assembly

FORWARD THIS NEWSLETTER TO A COLLEAGUE!