

Sonoma County Pretrial - Origins

- Some form of pretrial release has been in existence for over 20 years
- Criminal Justice Master Plan Recommendations (2009)
- Community Corrections Partnership adopted justice system values and operational principles from CJMP

Sonoma County Pretrial – Initial Stages

- Engaged Judiciary, Court Administrative Staff & Justice System Stakeholders in Development
 - Informational and educational approach used by consultant
 - Multiple opportunities for input and dialogue about assessment tool and guidelines
- CCP approved development of an empirically derived pretrial risk assessment tool
- Initial design - authorized Sheriff's Office staff to make release decisions prior to defendant's first appearance
- AOC Legal opinion:
 - Court cannot delegate release decision to another party
 - Risk can't be integrated into overall bail schedule – must be individualized
- Integrated local judicial values – “enhancement criteria” – into assessment process

Sonoma County Pretrial - Process

- Initiative endorsed and guided by Community Corrections Partnership
- Broad-based educational effort by consultant
- Identification of interests, values and ideas involving stakeholders
- Extensive collaboration between justice system partners to deliberate and develop guidelines
- Ongoing solicitation of questions and concerns throughout process
- Multiple opportunities for input and refinement to guidelines and release decision matrix
- Training provided to all system stakeholders

Sonoma County Pretrial - Goals

- Be Effective
 - ❖ Maximize Public Safety
 - ❖ Maximize Court Appearance
- Be Efficient
 - ❖ Maximize appropriate placement

Sonoma Pretrial Risk Assessment Tool - (SPRAT) Development

Path to System Goals

- Empirically developed pretrial risk assessment tool
- Craft guidelines and release matrix – consistency and certainty
- Safely manage the risk of released defendants who need it

Assessed Risk Level

Location	Lower/Medium Risk	Higher Risk
Community	Yes	No
Custody (Jail)	No	Yes

Sonoma Pretrial Risk Assessment Tool - (SPRAT) Development

METHODS:

- Data set (Jan-Dec 2011):
 - 10,995 defendants booked on new crimes
 - 300 variables identified
 - 7,101 defendants were released pretrial
- Reviewed all factors (potential predictors) available from data set
 - Binary logistic regression analysis used to determine most salient factors

Sonoma Pretrial Risk Assessment Tool - (SPRAT) Development

SPRAT Items & Scoring

ITEM	POINTS
Two Charges or Less	-1
Arrest for DUI	-4
Arrest for Domestic Violence	-2
Arrest for Violence	-1
No Prior FTA	-2
Employed or Student	-1
Prior Jail	2
Pending Cases	2
Gang Affiliation	1
Homeless or Transient	3
Mental Health Code of High Likelihood to Commit Violent Behavior	3

Sonoma Pretrial Risk Assessment Tool - (SPRAT) Development

Risk Category	Risk Score Range	Public Safety Rate ^a	Court Appearance Rate ^a
1 (lower risk)	-11 to -4	97%	98%
2	-3 to -1	91%	95%
3	0 to 3	77%	90%
4 (higher risk)	4 to 11	57%	91%

Sonoma County - Pretrial Release & Detention Guidelines

Pretrial Risk Category	Charge Category					
	Less Serious Misdemeanor	More Serious Misdemeanor	Other Felony	Driving Under the Influence	Domestic Violence	Statutory Serious or Violent Felony
1 (lower)	Release on Recognizance with Court Reminder	Release on Recognizance with Court Reminder	Release on Recognizance with Court Reminder	Release on Recognizance with Basic Supervision	Release on Recognizance with Basic Supervision	Detain, or Release on Recognizance with Enhanced Supervision
2	Release on Recognizance with Court Reminder	Release on Recognizance with Basic Supervision	Release on Recognizance with Basic Supervision	Release on Recognizance with Basic Supervision	Release on Recognizance with Basic Supervision	Detain, or Release on Recognizance with Enhanced Supervision
3	Release on Recognizance with Basic Supervision	Release on Recognizance with Moderate Supervision	Release on Recognizance with Moderate Supervision	Release on Recognizance with Moderate Supervision	Release on Recognizance with Moderate Supervision	Detain, or Release on Recognizance with Enhanced Supervision
4 (higher)	Release on Recognizance with Moderate Supervision	Release on Recognizance with Enhanced Supervision	Release on Recognizance with Enhanced Supervision	Detain, or Release on Recognizance with Enhanced Supervision	Detain, or Release on Recognizance with Enhanced Supervision	Detain, or Release on Recognizance with Enhanced Supervision

Sonoma County - Pretrial Release & Detention Guidelines: "Risk Enhancers"

Specific Risk Enhancers:

- DUI Offense
- DV Offense
- Defendant's criminal history

Successes

- Empirically derived risk tool created
- Collaborative process used – Judiciary actively engaged
- Guidelines and a risk-based release/detain decision matrix developed with stakeholder input
- Local justice system/judicial values integrated with risk assessment
- Support for risk-based approach
- Commitment to ongoing examination of practices

Challenges

More experience with tool and report – engender confidence in the program and processes

Defendants detained while awaiting first appearance

Working out procedural glitches

Assessing defendants before they bail out of custody

Greater utilization of pretrial supervision

Programming and process/report refinements overwhelm ISD capacity to respond

Gauging impact of Prop 47