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More than 20 cities and states adopt risk assessment tool to help judges decide which defendants to detain prior to trial

NEW YORK, NY—The Laura and John Arnold Foundation (LJAF) today announced a widespread rollout of one of the most significant criminal justice reform initiatives currently underway in the United States. Twenty-one jurisdictions—from major cities to entire states—will adopt the Public Safety Assessment (PSA), a risk assessment tool that helps judges make accurate, efficient, and evidence-based decisions about which defendants should be detained prior to trial and which can be safely released. Early indications have shown that the tool helps judges increase public safety while reducing jail populations. Once the rollout is complete, the PSA will have been implemented in 29 jurisdictions, including three entire states—Arizona, Kentucky, and New Jersey—as well as three of the largest cities in the country—Charlotte, Chicago, and Phoenix.

Chief Judge Timothy Evans of the Circuit Court of Cook County, Illinois, which includes the city of Chicago, expressed excitement about the launch of the PSA in his jurisdiction. “We welcome the Public Safety Assessment as an important step in our continuing revitalization of our pretrial assessment process,” he said. “For the first time, our pretrial services staff will offer judges an entirely objective risk assessment score to consider when making release/detention decisions.”

Every day in America, judges must assess the likelihood that a newly arrested defendant, if released before trial, will commit a new crime or fail to appear in court. Research suggests that this may be the single most important decision made in the criminal justice system, because it can impact every other outcome that follows: whether or not a defendant is sentenced to jail or prison, how long he is incarcerated, and most importantly, how likely he is to commit violence or other crimes in the future. Yet, only about 10 percent of courts use risk assessments during this phase, which means that the majority of pretrial release decisions are made in a subjective manner. The result, although unintended, is that many of the individuals who are held in jail before trial pose little risk to public safety, while many violent, high-risk defendants are released into the community.

The PSA addresses this issue by providing judges with reliable, predictive information about the risk that a defendant released before trial will engage in violence, commit a new crime, or fail to return to court. The tool was developed using the largest, most diverse set of pretrial records ever assembled—1.5 million cases from approximately 300 jurisdictions across the United States. The assessment is based solely on factors related to criminal history, current charge, and current age. The tool is easy and cost-effective to administer. It has proven to be both race- and gender-neutral.

Judges who use the PSA still retain all of their decision-making authority, they simply benefit from the input of an evidence-based tool. LJAF plans to make the PSA available, free of cost, to every interested city, county, and state within the next few years.

The PSA has shown positive results in pilot jurisdictions. In Kentucky, the PSA has assisted judges in reducing both jail populations and pretrial crime rates. In Mecklenburg County, North Carolina, the jail population has dropped nearly 20 percent since they began working toward implementation of the tool in the spring of 2014.

“For a judge, the Public Safety Assessment provides an unbiased method of ensuring that individuals before the court are afforded all of their constitutional rights, while also ensuring the safety of the community,” Chief Regional District Judge Karen Thomas of Kentucky explained. “It hasn’t taken away my discretion; rather, it has given me another tool in my judicial tool box that provides objective, consistent criteria.”

Since the PSA provides an objective measure of risk for each defendant, it allows jurisdictions to target and prioritize limited resources more efficiently, and to quickly identify defendants who are appropriate candidates for early case resolution or diversion. The PSA also helps jurisdictions decide whether or not to detain a defendant within 24 hours of arrest, thus ensuring that taxpayers do not incur the cost of detaining defendants who pose little risk to public safety.

The sites adopting the PSA include 11 counties in Arizona; Volusia County, Florida; Cook County (Chicago) and two other counties in Illinois; the State of New Jersey; Lucas County (Toledo), Ohio; Allegheny County (Pittsburgh), Pennsylvania; Yakima County, Washington; Milwaukee County, Wisconsin; and one more soon-to-be-announced site. The PSA is already being used statewide in Kentucky; in four counties and one city in Arizona; in Santa Cruz County, California; and in Mecklenburg County (Charlotte), North Carolina.

“The Public Safety Assessment will help us get the results on the ground that we all want to see, enabling judges to increase public safety while reducing jail populations,” said LJAF Vice President of Criminal Justice Anne Milgram. “We believe the widespread adoption of the tool will have a significant impact on public safety, government spending, and fundamental fairness.”

About the Laura and John Arnold Foundation

LJAF is a private foundation that is working to address our nation’s most pressing and persistent challenges using evidence-based, multi-disciplinary approaches. Its investments are currently focused on criminal justice, education, evidence-based policy and innovation, public accountability, and research