

Pretrial Assistance to California Counties (PACC): Humboldt County Technical Assistance Report

Introduction

Between December 2012 and October 2014, Humboldt County pretrial stakeholders engaged in an intensive process of assessing and improving the county's pretrial justice system with technical assistance from the Crime and Justice Institute (CJI) and support from the Public Welfare Foundation. Humboldt County's accomplishments as a result of these efforts include the following:

- Implemented guidelines for risk-based pretrial release and developed a full spectrum of risk-based release and supervision options;
- Dramatically increased their rates of pretrial screening, assessment, and release;
- Lowered the jail population by replacing a charge-based release matrix with a risk-based pretrial release tool; and
- Found preliminary evidence that supervised defendants committed fewer new crimes than defendants released by other means.

The following report outlines their technical assistance process and results, and provides additional detail on the county's goals and future plans for pretrial justice system improvements.

Background

Humboldt County is a medium-sized county in northern California. Located on the coast an hour south of Oregon, the county is home to approximately 134,500 residents.¹ Humboldt County's boundaries encompass seven

California Policy Reforms: Senate Bill 678 and Assembly Bill 109

In 2009, the Community Corrections Performance Incentive Act (SB 678) offered incentives to county probation agencies to reduce revocations to prison and established county Community Corrections Partnerships (CCPs). CCPs are comprised of a range of criminal justice and human services stakeholders and led by the Chief of Probation. CCPs are responsible for criminal justice planning and resource allocation, and they develop the county's Realignment Plan.

California's 2011 Public Safety Realignment Act (AB 109) was enacted to reduce overcrowding in the state's prisons. Passed in response to a series of federal court rulings requiring the state to reduce its prison population by over 25%, AB 109 required that non-serious, non-violent, non-sex offenders serve their sentences in county jails. AB 109 also made counties responsible for post-release supervision of prisoners convicted of serious and violent offenses.

incorporated cities, each with its own police department. The county also includes 47 unincorporated communities and eight recognized Native American reservations. The county jail's rated capacity is 391 beds. Prior to the passage of Public Safety Realignment in 2011, the jail population was consistently at or above capacity. As

¹<http://quickfacts.census.gov/qfd/states/06/06023.html>

in many counties, the population shift from state to county institutions exacerbated Humboldt's jail population pressures.

Anticipating the impact of Realignment on their jail population, the Humboldt County Community Corrections Partnership (CCP) developed proactive measures to better manage the county's pretrial population. The pretrial population accounted for 63% of Humboldt County Jail inmates when Realignment went into effect. In its Public Safety Realignment Plan, the CCP outlined a number of initiatives to more effectively manage its local correctional population—both in the jail and in the community. Among these was the launch of a Pretrial Release and Supervised Own Recognizance (OR) pilot program.

The county had previous experience with pretrial release services; in the 1990s the Probation Department operated a Jail Alternatives Pretrial Release Program in which staff provided information to judges in order to determine suitability for release on OR. Like most programs of this era, suitability for pretrial release was based upon a point-scale which included employment, residence, local family ties, and criminal history. The research underlying such tools was not as strong as the empirically based pretrial risk instruments more recently developed and used over the last decade;² however, this was considered the best practice at the time. The Jail Alternatives Pretrial Release Program was eliminated more than ten years ago when a larger jail was built.

In April 2012, the Humboldt CCP established the county's Supervised Release Program (SRP) as a pilot project. The program is a collaborative effort between the Probation Department, Sheriff's

Department, and Superior Court and is staffed jointly by the Probation and Sheriff's Departments. As designed, SRP staff would use the Ohio Risk Assessment System-Pretrial Assessment Tool (ORAS-PAT) to assess defendant risk prior to arraignment and to make recommendations to the court regarding defendants' suitability for release on their own recognizance (OR), with and without supervision.

Humboldt County experienced several challenges in the early months after implementing its pilot program. In March of 2012, a month before the launch of SRP, the Sheriff's Department began using a booking matrix to keep the jail population under its capacity. This tiered, charge-based system was activated when the male or female population rose to a level close to capacity; decisions regarding who was booked into the jail on a given day were guided by whether the population had reached a specified trigger point. When the jail's population was at a very high level, only defendants with very serious charges were admitted to the jail. By the end of August 2012, the SRP staff had screened 236 defendants, only 22 of whom were released—all with supervision conditions. It was unclear why pretrial screening and assessment were resulting in relatively few releases, but one hypothesis was that the booking matrix was turning away many defendants who would be suitable for supervised release.

A second challenge was that SRP was conceived as a pretrial release operation with a full spectrum of available release methods ranging from release on OR to close supervision. This scheme would ensure that defendants were released under the least restrictive conditions necessary to ensure public safety and court appearance. However, the

²VanNostrand, M., Rose, K. J., & Weibrecht, K. (2011). *State of the science of pretrial release recommendations and supervision*. Washington, D.C.: Pretrial Justice Institute.

program was implemented much like a jail population management strategy, with SRP primarily targeting defendants for home detention and electronic monitoring as an alternative to incarceration.

PACC Technical Assistance Process

In support of realignment efforts throughout California, the Public Welfare Foundation provided support to the Crime and Justice Institute (CJI) at Community Resources for Justice for technical assistance work to improve pretrial justice in two California counties. The resulting Pretrial Assistance to California Counties (PACC) initiative supported counties' efforts at improving their pretrial systems, implementing legal and evidence-based practices, and building internal capacity for continuous improvement. Technical assistance efforts in Humboldt County started in December 2012 and concluded in October 2014, with evaluation work continuing through March 2015.

When the PACC engagement began in the fall of 2012, the underutilization of pretrial supervision and reliance on the charged-based booking matrix were issues of major concern to Humboldt County pretrial justice partners. County stakeholders wanted to align their system with best practices and recognized a need to conduct a comprehensive system assessment and develop the capacity to collect more robust pretrial data to measure performance, guide decision making, locally validate the ORAS-PAT, and drive continuous quality improvement efforts.

At the start of their work with Humboldt County, the PACC technical assistance team conducted a series of on-site interviews with stakeholders including the Chief Probation Officer, Assistant District Attorney, Public Defender, Presiding Judge, representatives from the Sheriff's Department, and pretrial program staff from both the Probation and Sheriff's

Departments. CJI also led stakeholders in a system mapping process which helped to identify case processing steps and paths through the system for various types of defendants, establish case processing timelines, identify key decision points, and identify opportunities for improvement. By attempting to identify the number of individuals impacted at each stage of the process, the stakeholders and technical assistance team were able to quantify the impact of various key decision points and determine which data were needed to develop a full picture. Following these meetings, CJI obtained data on defendants booked into the jail between May 1, 2012 and December 31, 2012 from the Probation Department, Sheriff's Department, and District Attorney's Office in order to explore the dynamics of pretrial decision making and to test various hypotheses offered by stakeholders. The key findings from this analysis were presented in March 2013 and are discussed below.

Release Methods. There was concern among stakeholders that the use of the booking matrix was contributing to the low numbers released on pretrial supervision. The analysis found that a small portion (13%) of SRP-eligible defendants were released using the matrix; due to limited capacity on women's units, the vast majority of these defendants were women. By contrast, 28% of eligible defendants were released on financial bond prior to arraignment.

Pretrial Screening. Based on the discrepancy between the number of defendants meeting the stated criteria for pretrial release eligibility and the number that were actually assessed using the ORAS, it appeared that program guidelines were not being followed strictly.

Other Findings. In addition to findings from the data analysis, the CJI team discovered further details

through stakeholder interviews and other information gathering techniques:

- While the ORAS-PAT was administered to all defendants, release recommendations were not consistent with assessed risk;
- In the large majority of cases where SRP staff prepared a report for arraignment, the report was not submitted because formal charges had not yet been filed or were reduced, or because defendants posted bond prior to arraignment;
- A large number of pretrial defendants (nearly 1 in 5 felony bookings) were not considered for release because of their homeless status;
- While there was a high level of cooperation and mutual support among Probation and Sheriff's Department SRP staff, there was a need for more clarity regarding roles and responsibilities; and
- There was strong support among stakeholders for developing a full range of release options based on assessed risk.

Humboldt Goals and Strategies

Based on the findings described above, Humboldt County stakeholders identified several goals to pursue with assistance from the PACC technical assistance team. Following is a description of these goals and the steps taken to accomplish each.

Align pretrial practices with local policy, pretrial standards, and evidence-based practices.

Recognizing that their screening process was resulting in many defendants not being considered for pretrial release, Humboldt stakeholders took several steps to ensure that internal policies and procedures were consistent with pretrial standards published by the American Bar Association (ABA) and National Association of Pretrial Services Agencies (NAPSA) and evidence-based practices, and that staff understood how to carry out these

procedures.³ For example, the Probation Department established clear guidelines for release recommendations based on risk level as well as a procedure for reviewing override requests. The department's court report template now includes the reason for ineligibility so that screening results are documented for all defendants. The Probation and Sheriff's Departments worked together to clarify the mission, values, and vision for pretrial services, and developed an MOU establishing roles, expectations, and reporting relationships for the jointly staffed Supervised Release Program. The Probation Department also worked with technical assistance providers to train line staff in the fundamentals of pretrial justice and administration

Humboldt County Supervised Release Program

Mission

To assist the Court in making informed pretrial release decisions, and to effectively supervise defendants in order to support community safety and ensure that defendants meet court obligations while maintaining the constitutional presumption of innocence and the right to reasonable bail or release.

Core Values

Excellence through professionalism, teamwork, accountability, fairness and impartiality, respect for people's rights, and responsiveness to the needs of the court.

Vision

- Provide effective services through the use of evidence-based practices.
- Improve services to our court system and community.
- Promote efficient and effective use of public resources.

³American Bar Association. (2007). *Standards relating to pretrial release* (2nd ed.). Washington, D.C.; National

Association of Pretrial Services Agencies. (2004). *Standards on pretrial release: third edition*. St. Paul, Minnesota.

of pretrial risk assessment tools. In the spring of 2014, Humboldt hosted a regional full-day training on pretrial justice for jail and pretrial services staff and managers; the session was attended by 27 participants from Humboldt and five neighboring counties. County agency managers also developed a variety of quality assurance mechanisms. The pretrial services manager reviews all reports prior to transmission to court, and pretrial staff and supervisors from the Sheriff's and Probation Departments meet on a weekly basis to discuss any operational issues that arise and address staff questions related to risk assessment.

As a result of these efforts, Humboldt County dramatically increased the number of defendants screened, as well as the number of reports submitted to the court. In July through September 2012, SRP staff screened 67 defendants per month on average, identifying approximately half of these defendants as eligible for release consideration.⁴ In the quarter ending September 2014, SRP screened an average of 107 defendants each month; of these, 76% were assessed. Approximately 30 defendants per month were ineligible for release consideration based on program criteria; of those ineligible, 43% were being held on a serious violent charge, 33% refused interview, 17% were being held on a detainer, and 14% were parole violators.⁵

The number of defendants assessed, recommended for release, released pretrial, and supervised in the community also increased between the second half of 2012 and the first half of 2014, specifically:

- The number of new bookings assessed using the ORAS-PAT increased from 343 to 518;⁶

- The number of defendants recommended for SRP increased from 4 per month to 25 per month;⁷
- While the number of OR releases remained virtually unchanged during this time, the number of supervised releases increased more than five-fold—from 23 defendants to 149.⁸

In addition to their attention to training staff and ensuring that formal policies and procedures are accessible to staff and consistent with their objectives, Humboldt County's data collection and reporting have enabled close tracking and continuous review of each stage of case processing. Collecting and continually examining screening and assessment data allows managers to immediately detect and address any issues that arise.

Develop a full range of pretrial release options.

In order to expand SRP's services from solely electronic monitoring to a robust operation charged with screening, assessment, supervision, and risk-based release recommendations, Humboldt County stakeholders worked to ensure that the proper policies and procedures were in place and that they were supported by all relevant partners. In the spring of 2013, the county assembled a pretrial steering committee with representation from the Probation Department, Sheriff's Department, District Attorney's Office, Public Defender's Office, and the Courts. This group meets monthly to review pretrial performance data, discuss proposed changes, and address operational issues as they arise. This group provides a forum to discuss specific proposals for recommendation and release procedures, and has allowed Humboldt County to expand the focus of pretrial services and identify

⁴CJI analysis of May 2012 to June 2013 SRP program data.

⁵CJI analysis of 3rd quarter 2014 SRP program data.

⁶CJI analysis of May 2012 to June 2013 and 2nd quarter 2014 SRP data.

⁷CJI analysis of 3rd quarter 2013 and 3rd quarter 2014 SRP data.

⁸ CJI analysis of May 2012 to June 2013 and 2nd quarter 2014 SRP data.

new opportunities with support and input from partner agencies.

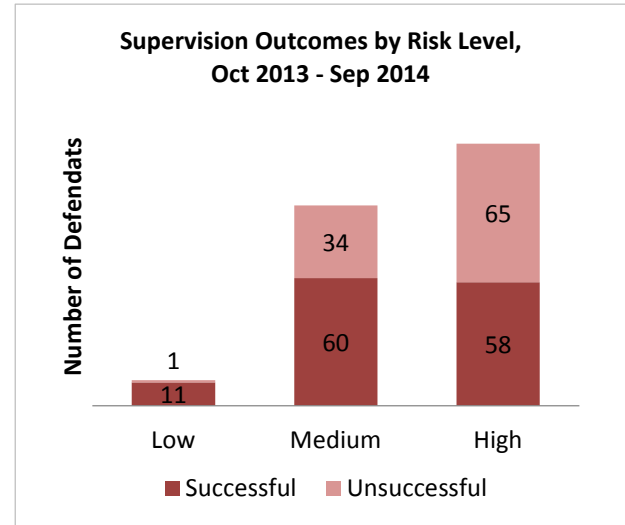
Humboldt County Probation developed risk-based guidelines for a variety of pretrial release recommendations, ranging from minimal conditions for low-risk defendants to intensive supervision with electronic monitoring for the highest risk defendants. County justice and health and human services agencies have also established partnerships to connect pretrial defendants with health and substance abuse services in the community.

As described above, several procedural changes contributed to a significant increase in the number of defendants released to pretrial supervision. Despite expanding the focus of pretrial release services, very few defendants are recommended for OR release without supervision. This is due to the high risk profile of the pretrial population that is not released from jail within a day or two of arrest through bond or court ordered release. In April through September 2014, 75% of defendants screened were assessed as high risk, 22% were medium risk, and 2% were low risk.⁹ Of defendants supervised by SRP during that period, about 60% were high risk.¹⁰ In the most recent year, nearly half of supervised high-risk defendants were successful (See Figure 1).

Humboldt County pretrial justice stakeholders have taken a thoughtful approach to releasing moderate and high-risk pretrial defendants. As will be described below, the Probation Department closely tracks outcomes and continually works with partners to identify release conditions that mitigate risk for specific defendants, as well as ways to more effectively supervise defendants in the community. The close working relationship between the bench and SRP has resulted in a high rate of concurrence—defined as the proportion of defendants whose

release status is consistent with their assessed risk—as well as a great deal of trust in SRP’s ability to supervise defendants.

Figure 1. SRP Supervision Outcomes



Develop the capacity to measure and report on pretrial performance. The Humboldt County Probation Department has invested considerable effort into creating a robust system for collecting data on defendants screened, assessed, and released pretrial. This has allowed for continuous examination of both their case processing systems and their pretrial outcomes. Detailed data reports are a regular part of the steering committee meetings, and these reports have provided a powerful tool for communicating with partners and jointly identifying and addressing opportunities for improvement.

One example is improved concurrence rates. In early 2014, data revealed that judges’ decisions to release defendants to SRP and OR were often contrary to the recommendation of SRP staff, and many of these released defendants were high risk. With assistance from CJ, the Probation Department examined outcomes for all supervised defendants

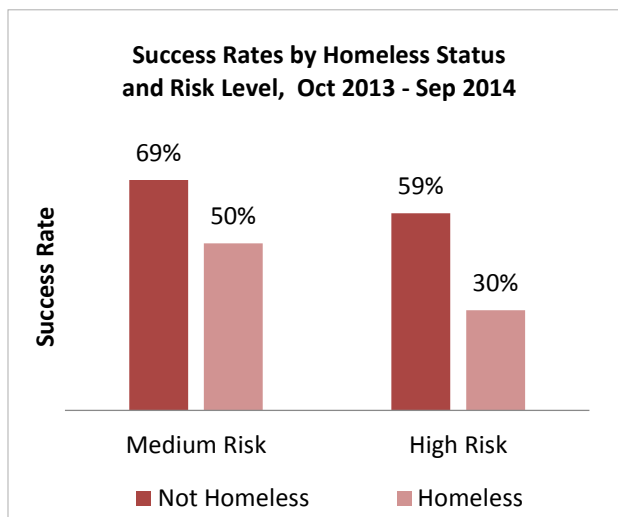
⁹CJI analysis of 2nd and 3rd quarter 2014 SRP data.

¹⁰ Ibid.

and determined that defendants whose release conditions were consistent with SRP’s risk-based guidelines and recommendations had higher pretrial success rates than those whose release was not consistent with SRP recommendations. The results were shared with judges, and subsequently, the rate of non-concurrence for high-risk defendants decreased drastically from 42% in the first quarter of 2014 to 10% in the third quarter.

Another example of Humboldt’s data-driven culture is their close monitoring of homeless defendants. In the spring of 2013, a comprehensive analysis of pretrial screening and release practices showed that a large number of defendants were excluded from consideration based on their homeless status. Stakeholders decided to end this practice, and homeless individuals are now considered for release based on assessed risk. Since making this change, the county has closely monitored outcomes for homeless defendants.

Figure 2. Outcomes for Homeless Defendants



As shown in Figure 2, failure rates for the homeless population are consistently high—mostly due to absconding and failure to appear. In an effort to

better understand the dynamics of this population, SRP began to differentiate reasons for homelessness—for example, chronically homeless, seasonal workers, and those who are temporarily homeless for circumstances related to the current arrest. The jurisdiction will use this data to identify effective strategies for subgroups of this population based on their characteristics and challenges they present.

In addition to using data to delve deeply into complex challenges and policy questions, the Probation Department uses data to continue its performance management and quality assurance efforts. For example, the department periodically examines supervision contact data to determine whether supervision intensity is consistent with guidelines. Ongoing monitoring of screening and assessment results as well as overrides and case outcomes help management to identify needs for training or other interventions.

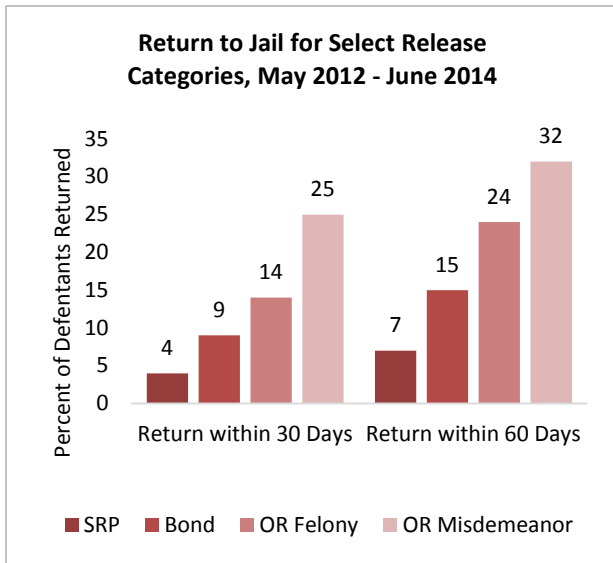
Preliminary outcome analysis shows that SRP is having a positive impact on public safety in Humboldt County. While SRP tracks re-arrests for supervised pretrial defendants, a comparable measure is not available for unsupervised defendants. In order to estimate pretrial rearrests within the county, CJI used booking data to identify defendants returned to jail for a new charge. Results showed that approximately 4% of SRP defendants were re-booked within 30 days, and 7% were re-booked within 60 days. Pretrial status could not be identified conclusively for this analysis, so these follow-up periods were chosen because they roughly approximate pretrial length of supervision, which averaged 42 days in the most recent year of data available.¹¹ While the method used is an imperfect measure of new criminal activity during the pretrial period and does not control for risk, it

¹¹ CJI analysis of 2014 3rd quarter SRP data found that the average length of stay for individuals starting and ending

pretrial supervision between October 2013 and September 2014 was 42 days, with a median of 30 days.

does allow preliminary comparison of public safety outcomes across release types and highlights the low levels of re-booking for SRP relative to other release methods, particularly for defendants charged with misdemeanors who were typically released on OR without any risk assessment (See Figure 3).

Figure 3. Returns to Jail for Select Categories



Before 2014, risk data was not available for defendants released prior to SRP screening. As described below, the Sheriff’s adoption of pretrial risk assessment at booking will enable the county to examine outcomes by risk for all release types in the future.

Expand and Improve the Use of Pretrial Risk Assessment. In 2011, the National Symposium on Pretrial Justice recommended moving away from money bond-based pretrial releases to a risk-based release process.¹² A significant result of Humboldt County’s pretrial reform efforts is a general embrace of risk-based release. Because the ORAS-PAT was developed based on pretrial defendants in

Ohio, validating this risk assessment tool on the local population is an important step in ensuring that the assessment is properly predicting the desired outcomes.

Humboldt County began capturing data on defendants screened by SRP staff and defendants’ outcomes in court at the time SRP was launched. Information collected has changed during the period of technical assistance, but by late 2013, data were being captured to allow a validation of the ORAS-PAT on Humboldt’s pretrial population. These data will allow the county to determine if the current assessment items and risk levels are appropriate. Humboldt is now collecting data on cases for a potential validation in 2016.

One outstanding example of Humboldt County’s embracing risk-based release is the Sheriff’s Department’s decision to replace the OR matrix, developed to guide emergency release decisions, with a research-based risk assessment tool. Prior to their PACC work, the Sheriff’s Department developed a matrix tool to determine whether a given defendant would be admitted to the jail based on a combination of the current charge and the jail’s population level.

Recognizing that a risk-based emergency release scheme had public safety advantages over a charge-based system and that pre-arraignment release decisions should consider the likelihood of court appearance, the department adopted the ORAS-PAT and uses this tool to screen all defendants at booking. Defendants who are detained are assessed again by SRP and additional information is gathered for the court report. With support from the pretrial steering committee, the Sheriff’s Department piloted the process in August 2014. All defendants

¹²Bureau of Justice Assistance. (2012). *National Symposium on Pretrial Justice: Summary report of proceedings*, Washington, DC.

scoring below a specified level were immediately released at intake; this resulted in a significant reduction in the jail's daily population. This risk-based system provides greater confidence that the right defendants are released, and allows the flexibility to raise or lower the cutoff score for jail admission.

Looking Forward

Release timing. In addition to the challenges noted above related to refining supervision practices and improving supervision outcomes for the most challenging defendants, the timing of pretrial assessment is an ongoing challenge in Humboldt County. At the outset, SRP screened and assessed defendants prior to arraignment; however, early analysis showed that in the program's first six months, 70% of reports written were not submitted to the court at arraignment because charges were not filed, the defendant was released on bond prior to arraignment, or the charges were reduced to a misdemeanor and the defendant was subsequently released on unconditional OR.¹³

In order to make the most effective use of resources, SRP began assessing defendants after arraignment. This has increased efficiency but resulted in a delay of several days for all defendants released to pretrial supervision. More than 85% of all defendants and more than 75% of felony defendants are released before the screening by SRP—which occurs between arraignment and an OR hearing held within 5 days of arrest.¹⁴ Nonetheless, the Humboldt County pretrial justice partners are now examining how to balance expediency and efficiency as they work toward ensuring that judges have risk assessment information available at the earliest opportunity for release decision-making.

Proposition 47. In November 2014, California voters passed a ballot initiative titled Proposition 47. This initiative reduced the criminal penalties for several non-serious and non-violent drug and property crimes, converting them from felony to misdemeanor offenses. The initiative was retroactive and went into effect immediately upon passage.

The impact of Proposition 47 varied throughout the state; in Humboldt County, it resulted in a jail population reduction of approximately 17% within a few weeks. It is notable that despite this drastic reduction in population pressure, the SRP program has seen no significant decrease in the number of defendants screened or in its supervision caseload. This is an indication not only of the perceived value of SRP's services, but also that it is meeting a critical public safety need by evaluating and managing risk, rather than serving merely as a population reduction mechanism.

It is also worth noting that as shown in Figure 3, the rate of return to jail is very high for misdemeanor defendants who, until recently, were rarely in custody long enough to have their risk assessed. While the community impact of Proposition 47 is still unknown, the expansion of cite and release based upon charge level rather than assessed risk may pose new public safety challenges for Humboldt and other California counties.

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For more information, contact Lisa Brooks at lbrooks@crj.org or visit CJI's website at www.crj.org/cji.

¹³CJI analysis of May 2012 to December 2012 data from Sheriff's Department, District Attorney and SRP.

¹⁴Based on CJI analysis of bookings between July 1, 2012 and June 30, 2014.