Executive Summary

This report presents findings related to impacts associated with criminal justice improvements underway in Lucas County, Ohio. Lucas County officials are engaged in collective efforts across several branches of their local criminal justice system to ensure a safer, healthier, and more just community through implementation of successful alternatives to incarceration. Central to Lucas County's efforts are to reduce the unnecessary use of jail, lower recidivism, and address racial and ethnic disparities. Lucas County is committed to criminal justice improvements that connect individuals needing behavioral and mental health services that can be diverted away from the criminal justice system.[1]

Lucas County is Improving their Pretrial System

Lucas County is involved in several initiatives to improve their criminal justice system and work toward their goals of a more just, humane, and fairer system of justice. These initiatives include participating in *Stepping Up*[2], a campaign to reduce the number of people in jail with mental illnesses, the MacArthur Foundation's *Safety and Justice Challenge*[3] to reduce the size and composition of their jail, and the implementation of the Public Safety Assessment (PSA) to move toward risk-based pretrial decision making.[4] These initiatives engage stakeholders, community members, and non-governmental organizations across Lucas County in a collective effort to improve their criminal justice system.

County-Wide Collaboration to Achieve Improvements

Improving the criminal justice system in Lucas County involves linking individuals and organizations across the local criminal justice system through ongoing initiatives. The current report, however, focuses on impacts related to one of Lucas County's initiatives - the use of the Public Safety Assessment (PSA). The PSA was implemented in Lucas County in January 2015 by Luminosity with support from Arnold Ventures to develop a risk-based approach to pretrial release decisions. The PSA is intended to provide courts with information when making pretrial release decisions by estimating the likelihood (i.e., predicted probability) of missing a court appearance, being arrested for a new crime during pretrial release, and being arrested for a new violent crime during pretrial release.

Assessing the Public Safety Assessment

Proponents of pretrial assessments have suggested that assessments are tools that can contribute to increased pretrial release rates when implemented alongside other pretrial improvements. Lucas County not only wanted to increase pretrial release rates, but they also hoped to reduce missed court appearances and new arrests during pretrial release, assess validity of the PSA for Lucas County, and ensure that the PSA did not exacerbate racial or gender disparities. Initial research was reported in a 2016 Report by Luminosity with funding from Arnold Ventures. The 2016 Report showed that, although there were meaningful reductions in missed court appearances, new criminal arrests and new violent criminal arrests, pretrial release rates decreased.

Research is important to understand the impacts of policies or practices, but it is important to recognize that research is an ongoing effort. Indeed, evidence is generated through repeated studies that provide information to stakeholders, community members, and researchers

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[1] See Innovative Criminal Justice Reform: Coming to a Court Near You :
https://www.sconet.state.oh.us/Boards/Sentencing/materials/2017/September/zmudaPresentation.pdf
[2] https://stepuptogether.org/what-you-can-do
[3] http://www.safetyandjusticechallenge.org/challenge-site/lucas-county/
[4] https://www.arnoldventures.org/stories/new-data-ohio-validates-psa-impact/

to create a continual cycle of experimentation, measurement, and refinement. The current study reports on an extension of the 2016 Report by Core Correctional Services (CCS) and RTI International (RTI) that is funded by Arnold Ventures.

The data for this project were obtained through a data sharing agreement between Lucas County and Arnold Ventures. The data files included information on all bookings into the Lucas County Jail from January 1, 2012 through December 31, 2018. Our final sample of bookings prior to PSA implementation in January 2015 (n = 23,447) is roughly equal to the number of bookings after PSA implementation (n = 24,900), but the post-PSA period had fewer bookings annually.

More Bookings Including Felony Charges During Post-PSA Period

The study describes the pre- and post-PSA implementation samples. The pre- and post-PSA implementation samples were 78% male, about 55% Black, and between 33 and 34 years old, on average. We did find differences in the proportion of bookings for a felony with a significantly larger proportion of bookings having at least one felony charge in the post-PSA implementation period (40%) compared to the pre-PSA period (31%). Similarly, the pre-PSA period included more bookings that had at least one misdemeanor (82%) compared to the post-PSA period (77%).

Pretrial Release Rates do not Decrease

A central research question for this study is to assess the extent to which pretrial release rates changed in Lucas County after PSA implementation. Lucas County maintained a pretrial release rate throughout the seven-year study period of 83%, which is higher than the national average of about 65%. The pretrial release rate was significantly higher (p > .001) during the pre-PSA (86%) implementation period compared to the post-PSA (80%) implementation period. The study includes regression analysis that further substantiates that pretrial release rates did not increase post-PSA implementation. Why would post-PSA implementation be related to a decreased pretrial release rate?

Estimated 6,400 Fewer Bookings Post-PSA Implementation

Assessing pretrial release rates is important for pretrial improvements, but the study analyses changes in bookings to offer a more complete explanation. The report shows that Lucas County made serious reductions to the number of people booked into jail during the post-PSA period. The analysis shows that Lucas County reduced their jail bookings by almost 1,600 bookings annually, on average, for an entire post-PSA period reduction of 6,400 fewer estimated bookings. Although release rates are an important metric to track, they do not tell the entire story about improving a pretrial system. Pretrial release rates are calculated by dividing the number of releases (i.e., the numerator) by the number of bookings (i.e., the denominator) and multiplying by 100 (to convert to a percentage scale). The timeseries data show that Lucas County achieved their largest pretrial release rate of 88%, in 2012, when they had 7,865 bookings, and one of their lower pretrial release rates of 83%, in 2018, when they had 5,952 bookings. The decrease in bookings is thought by Lucas County officials to be the result of various pretrial reform efforts.[5]

Estimated 3,350 Fewer FTAs and 2,374 Fewer New Arrests

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[5] According to Lucas County officials, the federal consent decree that has been in place since the 1970s has also potentially impacted pretrial release rates. Prior to implementation of the PSA, the decree dictated releases that were charge-based. Post-PSA implementation, the decree was modified to a risk-based approach by incorporating the PSA into a tiered-release framework. The extent to which federal consent decree releases have impacted pretrial release rates was not studied in the current research, in part due to a change in how release types are recorded. The 2016 Report noted a decrease in federal consent decree releases from 38.4% pre-PSA to 4.3% post-PSA.

A second research question was to assess to the extent to which there were changes to pretrial outcome rates. For the entire seven-year study period, of those released pretrial, 27% experienced an FTA, 17% were arrested for any offense, and 5% were arrested for a violent offense during the pretrial period. There were reductions in the pretrial outcomes between the pre- and post-PSA periods: a six-percentage point decrease in FTA rates (30% vs. 24%), a five-percentage point decrease in NCA rates (20% vs. 15%) and a two-percentage point difference in NVCA rates (6% vs. 4%). The decreases in pretrial outcomes can be converted into an estimated number of reductions in FTAs, NCAs, and NVCAs, during the post-PSA period. For instance, we estimated that were nearly 3,350 fewer FTAs, 2,374 fewer NCAs, and 700 fewer NVCAs during the post-PSA period.

Similar trends were found for Black and non-Black individuals on pretrial release. The FTA rate decreased for Blacks by eight percentage points and three percentage points for non-Blacks between the pre- and post-PSA periods. These results can be viewed by race to learn that there were 2,076, 1,510, and 427 fewer expected FTAs, NCAs, and NVCAs for Black individuals during the post-PSA period, and similar, yet smaller, reductions for non-Blacks of 1,272, 864, and 269 for FTAs, NCAs, and NVCAs, respectively.

PSA Achieves Good and Fair Measures of Predictive Validity

The results demonstrate that the PSA meets standards of predictive validity. For the three scales, we found that the Area Under the Curve (AUC) values are in the good (NCA) and fair (NVCA and FTA) ranges, there is incremental increase in failures as scores increase, and significant increases in the predicted likelihood of failure as scores increase across a series of regression models. The report shows that the PSA meets validity standards used for criminal justice assessments, and the report includes tests for predictive bias.

No Differences in NCAs and NVCAs by Race or Gender

Predictive bias and fairness are not the same thing. Fairness is a normative construct that can only be assessed by review of ethical and moral standards, and requires collective agreement on values, norms, and institutions. Predictive bias, on the other hand, measures whether there are equal probabilities of experiencing the pretrial outcomes across subgroups for any score. For instance, analyses show that across race and gender there are equal probabilities of being arrested for a new crime or a new violent crime during pretrial release by risk scores.

FTA Scale Needs Improvement

The results do show, however, that there are differences across race and gender for FTAs. For race, we found that Blacks who have lower scores have higher probabilities of an FTA compared to non-Blacks with lower scores, and non-Blacks who have higher scores have higher probabilities of an FTA compared to Blacks with higher scores. For gender, we found that males and females who have lower scores have equal probabilities of an FTA, but females who have higher scores have larger probabilities of having an FTA compared to males with higher scores.

Fewer Bookings Overall, FTAs and Crimes, and Release Rates Remain High

This study shows that Lucas County reduced jail bookings while holding their detained population constant. The composition of the jail changed during the post-PSA period as there was a larger proportion of individuals with felony charges, and smaller proportion of individuals with misdemeanor charges. The pretrial release rate did not decrease, but the study shows this is likely a result of the large decreases in bookings. Simultaneous to the reduced bookings, the results point to significant reductions in FTAs, NCAs, and NVCAs. The PSA met standards for predictive validity used by criminal justice researchers. Collectively, these findings suggest that Lucas County made better use of their jail space.

<u>Maintain Commitment to Address Disparities and Research</u>

       The results point to areas that could use improvement. Although the PSA met standards of predictive accuracy, jurisdictions are encouraged to engage in ongoing research to determine if adjustments to the PSA would improve accuracy. The FTA scale should be examined to improve classifications by race and gender. Further, more than half of the individuals booked into Lucas County's jail are Black, which is much higher than their presence in the population. Reducing these disparities is an area that Lucas County should focus on as they move forward with their initiatives to improve their criminal justice system. Lucas County's commitment to research and dedication to transparency are crucial to achieving their goals as well as transferring knowledge to other jurisdictions interested to improve their pretrial system.