METROPOLITAN CRIME COMMISSION
Arnold Foundation Public Safety Assessment Tool Scores
Orleans Parish Criminal District Court July 2018-March 2019

Introduction: In response to a public records request, the City of New Orleans provided the Metropolitan Crime Commission (MCC) with Public Safety Assessment (PSA) scores and Release Recommendations generated by the Pretrial Services Program of Orleans Parish Criminal District Court. The PSA tool was developed and provided to the City by the Arnold Foundation. Since 2016, $3.5 million in MacArthur Foundation grants have been awarded to the City in support of efforts to reduce the Orleans Parish jail population. These grants have partially funded implementation and ongoing use of the PSA. The current model of the PSA has been used to rate all individuals arrested for felonies since July 2018. The MCC matched records received from the City of New Orleans to Orleans Magistrate Court arrest and booking data from July 2018 through March 2019.

The goal of this work is to assess how the PSA tool rates the risk posed by people arrested for felonies and to understand how the Pretrial Service Program's use of the PSA tool may impact public safety.

Summary of Findings
The Pretrial Services Program classified 87% of felony suspects at Risk Levels that carry a recommendation for free Release on Recognizance (ROR) bonds whenever possible. Only 8% of felony suspects were rated the highest Risk Level 5, which provides for a maximum supervision designation of two monthly phone calls and at least three monthly face-to-face interactions.

The PSA consistently assigns low public safety risk scores to violent and weapons felony suspects as evidenced by the following:

- Free bond release was recommended for 75% of violent felony and 93% of weapons felony suspects.
- A third (33%) of violent felony and 29% of weapons felony suspects were rated the lowest Risk Level 1 which recommends free release with no supervision.
- Murder, rape, robbery, and attempted murder suspects receive Risk Level ratings, but the Pretrial Services Program does not recommend a level of release supervision. Low PSA Risk Levels that carry a recommendation of free release were assigned to 83% of these violent suspects.
- Twenty-nine percent (29%) of murder and 38% of rape suspects were rated the lowest Risk Level 1.

Low Risk Level ratings for felony crimes of violence indicate that the PSA is inherently flawed by ignoring Louisiana law requiring judges to consider the seriousness of offense and public safety when setting bail.[1]

What is the Public Safety Assessment?
The Public Safety Assessment (PSA) is a tool developed by the Arnold Foundation that is designed to classify felony suspects into 5 categories of risk with 1 being the lowest public safety Risk Level and 5 being the highest. A PSA report is generated for every felony arrest in Orleans Parish Criminal District Court and presented to judges and magistrate commissioners presiding over bail hearings. **Exhibit 1** provides an overview of release and supervision recommendations for each Risk Level.

If a suspect is eligible, free ROR bonds are recommended for all Risk Levels of 4 or lower. Louisiana law does not permit free ROR releases from pretrial custody for crimes of violence and other serious offenses.[2] Detention hearings to further review whether suspects should remain in custody are recommended for Risk Level 5.

Exhibit 1: Pretrial Safety Assessment (PSA) Release and Supervision Recommendations July 2018-March 2019					
Release/Supervision Recommendation	**Risk Level Rating**				
	1	**2**	**3**	**4**	**5**
Recommend Free Release on Recognizance Bond?	Yes	Yes	Yes	Yes	No
Conduct Monthly Check for New Arrests?	No	Yes	Yes	Yes	Yes
Number of Monthly Phone Contacts	0	1	1	2	2
Number of Monthly Face-to-Face Contacts	0	0*	1	2	At least 3

*Risk Level 2 has one face to face meeting with the Pretrial Services Program's personnel upon initial release
SOURCE: City of New Orleans

The supervision recommended for a PSA Risk Level 1 calls for suspects to receive free release with no supervision. The highest Risk Level 5 carries a recommended supervision of two phone calls per month and a minimum of three monthly face-to-face interactions at Criminal District Court. The Pretrial Services Program is supposed to conduct a monthly review to determine if someone has been rearrested for Risk Levels 2 through 5.

All felony suspects rated in any Risk Level are supposed to receive reminder text messages for court hearings.

PSA Risk Scores and Release Recommendations

Exhibit 2 shows the risk classifications, release recommendations, and suggested types of supervision associated with each of the 5 PSA Risk Levels assigned by the Pretrial Services Program. PSA results are classified by the most serious arrest charge in order to examine how current arrest charges impact suspects' ratings of risk.

Notably, a third (33%) of violent felony suspects were rated PSA Risk Level 1, which carries a recommendation for a free release and no supervision. A total of 75% of violent felonies had Risk Levels of 4 or lower, which carries a recommendation of a free ROR bond and nominal levels of supervision.

A suspect's most serious arrest charge shows a low to moderate impact on PSA scores even though Louisiana law mandates that bail should reflect the seriousness of offense.[1] Violent felony suspects were only somewhat more likely than suspects arrested for other charges to receive the highest Risk Level 5. A total of 11% of violent felony arrests were rated a Risk Level 5 compared to 6% to 7% of all other charges.

Weapons felony arrests also commonly generated PSA scores recommending free release and low level supervision. A 93% majority of weapons felony arrests had a Risk Level of 4 or lower and were recommended for a free ROR release, which includes 29% of weapons felonies having a Risk Level 1 and recommended for free unsupervised release.

Exhibit 2: Risk Levels by the Most Serious Felony Arrest Charge July 2018-March 2019

Release Recommendation	Most Serious Felony Charge					
	Violent (n=1,412)	Weapons (n=509)	Property (n=1,073)	Drug (n=1,068)	Other (n=214)	Total (n=4,276)
Risk Level 1: ROR Bond - Unsupervised Release	33% (n=471)	29% (n=149)	36% (n=391)	31% (n=326)	43% (n=93)	34% (n=1,430)
Risk Level 2: ROR Bond - Administrative Supervision	17% (n=243)	29% (n=146)	26% (n=277)	31% (n=328)	23% (n=50)	24% (n=1,044)
Risk Level 3: ROR Bond - Standard Supervision	8% (n=112)	20% (n=100)	18% (n=198)	19% (n=204)	17% (n=37)	15% (n=651)
Risk Level 4: ROR Bond - Intensive Supervision	16% (n=226)	15% (n=74)	12% (n=124)	13% (n=144)	9% (n=19)	14% (n=587)
Risk Level 5: Maximum Supervision	11% (n=159)	7% (n=38)	7% (n=79)	6% (n=64)	7% (n=15)	8% (n=355)
No Recommendation Due to Severe Charge	14%* (n=201)	0% (n=2)	0% (n=4)	0% (n=2)	0% (n=0)	5% (n=209)

*See Exhibit 3 for additional detail on Risk Levels for suspects arrested for severe violent felonies
SOURCE: City of New Orleans, Orleans Parish Sheriff's Office

Examining PSA scores across all charges shows 87% of all felony suspects were rated a Risk Level 4 or lower which carries a recommendation of free release from pretrial detention.

Risk Level 1 was the most common PSA rating, and 34% of felony arrests received this lowest rating of risk that recommends free ROR bonds and unsupervised release.

The second most common PSA score was a Risk Level 2 with 24% of felony suspects recommended for the corresponding release supervision of only a monthly check for new arrests and one phone call.

The least common PSA score was a Risk Level 5 which accounted for 8% of felony arrests and has no release recommendation.

Five percent (5%) of felony arrests were for charges such as murder, rape, and armed robbery that the Pretrial Services Program considers too severe to recommend a level of release supervision. Examining the Risk Levels of these violent suspects provides further evidence of how dangerous offenses receive low PSA risk scores.

Exhibit 3 shows the PSA Risk Levels of suspects arrested for murder, rape, robbery, and attempted murder that did not receive recommended supervision levels from the Pretrial Services Program because of the severity of these charges. Data provided to the MCC shows 29% of murder suspects and 38% of rape suspects were rated a Risk Level 1.

In total, an 83% majority of all suspects arrested for murder, rape, robbery, and attempted murder were rated a Risk Level 4 or lower, which carries a recommendation of free ROR bonds. Conversely, only 17% of suspects charged with these severe violent felonies received the highest Risk Level 5.

Exhibit 3: Risk Levels of Suspects Arrested for Murders, Rapes, Robberies, and Attempted Murders July 2018-March 2019 (N=196)					
PSA Risk Level	**Most Severe Violent Felony Charge**				
	Murder (n=38)	**Rape (n=39)**	**Robbery (n=92)**	**Attempted Murder (n=27)**	**Total (N=196)**
Risk Level 1	29% (n=11)	38% (n=15)	29% (n=27)	26% (n=7)	31% (n=60)
Risk Level 2	21% (n=8)	21% (n=8)	11% (n=10)	15% (n=4)	15% (n=30)
Risk Level 3	18% (n=7)	8% (n=3)	10% (n=9)	7% (n=2)	11% (n=21)
Risk Level 4	13% (n=5)	21% (n=8)	30% (n=28)	37% (n=10)	26% (n=51)
Risk Level 5	18% (n=7)	13% (n=5)	20% (n=18)	15% (n=4)	17% (n=34)
SOURCE: City of New Orleans, Orleans Parish Sheriff's Office					

Conclusions

1. **The PSA underrates the risk offenders pose to public safety.**
   Pretrial Services Program release recommendations call for free ROR bonds in 75% of violent felony arrests and 93% of weapons felony arrests. The PSA assigned Risk Levels that recommended free release for 83% of suspects charged with murder, rape, robbery, kidnapping, and attempted murder. An example of the flawed Risk Levels assigned to dangerous offenders can be found in the June 2019 arrest of two suspects from out of state that bound two employees of a CVS pharmacy at gunpoint while committing a robbery. When three New Orleans Police Officers arrived on the scene, the two robbers engaged in a gun battle with the police and wounded one officer. Each of these suspects was rated a Risk Level 1, which corresponds to a PSA recommendation of a free unsupervised release from custody.[3] Low Risk Level ratings of violent and weapons felony suspects shows that PSA consistently recommends free release and low levels of supervision for suspects arrested for offenses that pose the greatest threats to public safety.

   Another area of concern is the low risk scores rationale given to offenders charged with multiple felony offenses. The PSA does not rate offenders arrested for multiple offenses at higher Risk Levels. For example, a suspect repeatedly arrested since the beginning of 2019 amassed 160 pending charges in Criminal District Court including five violent felonies and was rated a Risk Level 1 on June 18, 2019 after being rated a Risk Level 3 earlier the same day.[4] The PSA's failure to consider the full scope of charges at the time of arrest is another example of how it does not accurately assess suspects' levels of criminality and public safety risk as required by law.

2. **The supervision levels promoted by the PSA are not adequate to provide for community safety.**
   Current Pretrial Services Program supervision relies on trusting that suspects are truthful in regard to where they live and whether they are following conditions of release. The recommended levels of supervision accompanying the highest Risk Level 5 PSA score calls for a maximum of two phone calls per month and at least three face-to-face contacts per month at Criminal District Court. Over half of release recommendations are for either no supervision or one phone call per month. These levels of supervision do not adequately monitor activities of pretrial suspects released from custody or determine how well suspects are adhering to their conditions of release imposed by judges

Recommendations

The MCC does not advocate the pretrial detention of felony suspects beyond what is necessary to provide for community safety, ensure their appearances in court, and adhere to Louisiana law. The PSA tool proposes to provide the judiciary with a reliable risk assessment for every felony suspect but the data demonstrate that scores do not accurately assess the danger violent offenders pose to public safety and the proposed levels of supervision are inadequate. The data suggest that the PSA risk classification system for felony offenders is more focused on justifying lower bail and reducing the pretrial jail population than for providing for public safety. The implementation of the PSA in New Orleans is being supported and promoted by the Louisiana Supreme Court with plans to expand this initiative throughout the state. As such, the MCC respectfully makes the following recommendations in pursuit of reducing crime and unnecessary detention of pretrial suspects:

1. **Redesign the PSA to mirror the more comprehensive instruments utilized in other jurisdictions and assign risk levels that conform with factors for fixing the amount of bail set forth in Louisiana Code of Criminal Procedure Article 316.[1,5,6]**
   The current PSA tool makes release recommendations while failing to address all of the considerations required under Louisiana law such as the severity of offense, the weight of evidence against a defendant, and the ability of the defendant to post bail.[1]

   Further, a risk assessment tool should take into account the risk to public safety posed by offenders and make recommendations for their ongoing detention or strict conditions for release. As it is currently structured, the PSA only makes recommendations for release or provides a Risk Level score.

   The PSA should be redesigned to capture more robust information about offenders to assist judges in making decisions for each suspect's appropriate level of bond and conditions for release. More effective pretrial services assessment tools used in other jurisdictions seek to identify mental health problems, lack of job preparedness, substance abuse, and other challenges that may be contributors to criminal behaviors. Examining a broader range of information about suspects enables judges to better frame conditions of release that can benefit both the suspect and community safety.

2. **Fund pretrial services that address the underlying needs of defendants and reduce future criminal activity.**
   The most sensible way to reduce the jail population is to reduce crime rather than release violent and weapons offenders on free or little bond as currently promoted through PSA Risk Level scores. When a suspect identified as a potential risk to the community is released, resources should be available to supervise how well he or she follows conditions of release and discourage ongoing criminal behavior. Inadequate supervision sets the offender up for failure and exposes the public to significant safety risks.

   The Pretrial Services Agency of Washington D.C. is lauded for having eliminated money bail through rigorous pretrial assessment and case management, but the program costs more than $67 million per year.[6] Effective pretrial programs identify needs and connect suspects with the support services and supervision to reduce both crime and jail populations. The MCC recommends electronic monitoring as one component of a pretrial program that will verify suspects adhere to court-imposed conditions of release. Washington D.C. found that electronic monitoring reduced arrests by 24% and, as a result, had a cost savings of $3,800 per participant.[8] Investing in a rational, effective, and more comprehensive approach in New Orleans could similarly improve community safety and reduce the pretrial population held in custody.

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[1] See Louisiana Code of Criminal Procedure Article 316 "Factors in fixing amount of bail" http://www.legis.la.gov/Legis/Law.aspx?p=y&d=112434
[2] See Louisiana Code of Criminal Procedure Article 321 "Types of bail, restrictions" http://www.legis.la.gov/Legis/Law.aspx?p=y&d=112440
[3] See Appendix I: CVS Pharmacy Robbery Suspects' PSA Assessment Reports
[4] See Appendix II: Theron Glover PSA Assessment Reports
[5] Winterfield, Laura, Coggeshall, Mark, Harrell, Adele (April 2003). "Development of an Empirically-Based Risk Assessment Instrument" (Urban Institute Justice Policy Center). https://www.urban.org/sites/default/files/publication/59481/410892-Development-of-an-Empirically-Based-Risk-Assessment-Instrument.PDF
[6] Austin, James, Bhati, Avi, Jones, Michael, Ocker, Roger (2012). "Florida Pretrial Risk Assessment Instrument" (The JFA Institute). https://university.pretrial.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=58add716-5e41-eba3-0a3d-f9298f7e1a54&forceDialog=0
[7] (March 18, 2019). "Congressional Budget Justification and Performance Budget Request Fiscal Year 2010" (Pretrial Services Agency for the District of Columbia). https://www.psa.gov/sites/default/files/FY2020%20PSA%20Congressional%20Budget%20Justification.pdf
[8] Roman, J. L., Ph.D., Liberman, A. M., Ph.D., Taxy, S., & Downey, P. M. (2012, September). The Costs and Benefits of Electronic Monitoring for Washinton, D.C. (District of Columbia Crime Policy Institute). https://www.urban.org/sites/default/files/alfresco/publication-pdfs/412678-The-Costs-and-Benefits-of-Electronic-Monitoring-for-Washington-D-C-.PDF