

Risk-Need Responsivity in Pre-Trial Decision-Making

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Welcome & Agenda

- Impact of Short-Term Jail
- Case Presentation
- Overview of NYC Supervised Release Program
 - Risk Assessment
 - Needs Assessment
 - Voluntary Referrals
- Outcomes
- Case Presentation Part Two



Case Presentation

In January 2017, Josh Jones was charged with felony-level drug possession of heroin and crack-cocaine. At his arraignment, the prosecution asked for \$20,000 cash bail. At this time of his arrest, Josh was 61 years old and had 5 prior misdemeanor convictions, 1 prior felony conviction and 2 failures to appear, all within the last 9 years.

You are the judge - what is your bail decision?

- A. Set bail at \$20,000
- B. Release on own Recognizance
- C. Release with GPS monitoring and mandated drug treatment
- D. Set bail at a lesser amount
- E. Remand



Impact of Short-Term Jail

- Incarceration has been shown to have little deterrent effect and instead **may moderately increase the likelihood of reoffending** (Cullen et al., 2011).
- **48 hours or more** of pretrial detention is enough to **significantly intensify the criminogenic effects of jail** and increase the likelihood of post-disposition recidivism (Lowenkamp et al., 2013).

In New York City: Net of other background factors, sentencing to jail *increases* two-year re-arrest rate by 8 percentage-points among comparable defendants (10 percentage-point increase for low-risk individuals)



Supervised Release Program Overview

WNYC: "City Bets on a Growing Alternative to Bail"

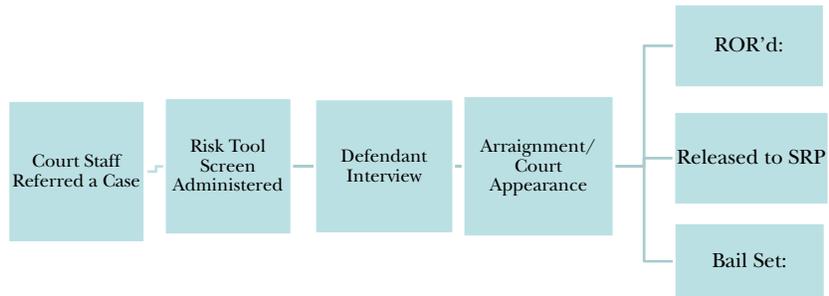


Risk Assessment Tool

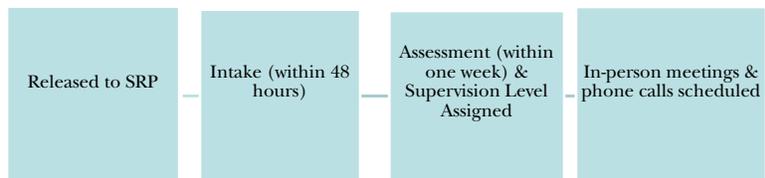
Risk Prediction Factors	Risk Points
Age at current arrest	
18 to 19	6
20 to 29	1
30 to 39	-3
40+	-4
Open Cases	
No	-1
Yes	1
First arrest	
No	3
Yes	-3
Prior warrants last 4 years	
No	-1
Yes	1
Misd conviction in last year	
No	-2
Yes	2
Felony conviction in last 9 years	
No	-1
Yes	1
Drug conviction in last 9 years	
No	-2
Yes	2
Report fulltime activity (caregiver, work, school)	
No	2
Yes	-2



Pre-Arrest Process



Post-Arrest Process



Needs Assessment

Needs Flagged in Assessment	Of all SRP clients released in 2018	
	(n)	(%)
Employment	758	50%
Education	742	49%
Substance use	501	33%
Mental health	540	36%
Housing	435	29%
Trauma	355	23%



Voluntary Referrals

- Social Workers utilize Motivational Interviewing to engage clients in voluntary services to address the needs of the client
- Voluntary referrals are not reported to the court
- Top three types of referrals:
 - Employment
 - Substance Abuse
 - Mental Health



Compliance Reporting

In the 24-hours after an SRP client misses a face-to-face or phone call, the assigned social worker will reach out to friends, family, and/or defense attorney to try to bring the client back into compliance.

Within 48-hours of a missed phone call, in-person meeting, or of learning of a re-arrest, the noncompliance will be reported to the courts.

Program Staff utilize graduated responses to address non-compliance



Is This Working?

Brooklyn:

- Over 10,000 court appearances have been successfully and voluntarily attended since launch
- 93 percent of clients are not re-arrested for a felony-level offense
- 86 percent of clients attend all scheduled court appearances

NYC-Wide:

- 97 percent of clients are not re-arrested for a violent felony offense
- 88 percent of clients attend all scheduled court appearances
- Expanded to Violent Felony Offenses for 16-19 year old defendants



Josh's Story

What did we learn about Josh post-arraignment?

- Josh is a veteran of the Army that became addicted to opiates at the age of 50, after being prescribed opiates for a workplace injury
- Josh had spent time in jail for his previous convictions and jail-based treatment did not work for him; he reported relapsing after being released from jail.
- Josh reported being open to treatment and was given three referrals during his time in SRP

Was Josh a "success"?

- Attended 14 court appearances in a specialty court for veterans
- Attended 18 in-person meetings with his social worker
- Missed one appointment and non-compliance was reported to the court
- Voluntarily accepted a plea to inpatient drug treatment



Discussion

How would bail being set have potentially changed the trajectory of Josh's case and life?

What did we learn about Josh post-arraignment that aided his social worker to supervise him according to his risk and also address his needs?

Was his success linear?

Does your jurisdiction have any potential partners for providing services pre-trial?



Case Presentation Take Two

Congratulations! You now have Supervised Release in your jurisdiction and you're back on the bench. Please select your bail determination for the same case:

In January 2017, Josh Jones was charged with felony-level drug possession of heroin and crack-cocaine. At his arraignment, the prosecution asked for \$20,000 cash bail and his defense attorney argued for ROR. At this time of his arrest, Josh is 61 years old and has 5 prior misdemeanor convictions, 1 prior felony convictions and 2 failures to appear, all within the last 9 years.

- A. Set bail at \$20,000
- B. Release on own Recognizance
- C. Release to Supervised Release
- D. Set bail at a lesser amount
- E. Remand



Thank you!

Questions?

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