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MECKLENBURG COUNTY SERIES

REPORT 1 OF 2

PRETRIAL JUSTICE REFORM STUDY

Evaluation of Pretrial Justice System Reforms That Use the Public Safety Assessment

Effects in Mecklenburg County, North Carolina

Cindy Redcross
Brit Henderson
with
Luke Miratrix
Erin Valentine

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BUILDING KNOWLEDGE TO IMPROVE SOCIAL POLICY

OVERVIEW

Arnold Ventures' Public Safety Assessment (PSA) is a pretrial risk assessment tool that uses nine factors from a defendant's history to produce two risk scores: one representing the likelihood of a new crime being committed and another representing the likelihood of a failure to appear for future court hearings. The PSA also notes if there is an elevated risk of a violent crime. The PSA is designed to provide additional information to judges and others making release decisions — decisions about whether a defendant will be released while waiting for a case to be resolved, and if so, under what conditions. The score is used in conjunction with a jurisdiction-specific decision-making framework that uses the defendant's PSA risk score in combination with local statutes and policies to produce a recommendation for release conditions. The goal of the PSA is to make the restrictions on a defendant's release conditions better align with that defendant's assessed risk of committing new crimes or failing to appear.

Over 40 jurisdictions across the country have implemented the PSA. Mecklenburg County, North Carolina was one of the first; it began using the PSA in 2014, switching from another risk assessment. This study presents the effects of the PSA and related policy changes in Mecklenburg County. The first report in the series describes the effects of the overall policy reforms on important outcomes. A supplemental second report describes the role of risk-based decision making in the outcomes and describes the effects of the PSA on racial disparities in outcomes and among different subgroups.

Overall, the findings are notable from a public-safety perspective: Mecklenburg County released more defendants and did not see an increase in missed court appointments or new criminal charges while defendants were waiting for their cases to be resolved.

- **The PSA policy changes were associated with less use of financial bail and a higher rate of defendants being released on a written promise or unsecured bond.** The proportion of defendants detained in jail was lower than it would have been in the absence of the policy changes. There was an improved alignment between defendant risk and the restrictiveness of release conditions.

- **Fewer cases resulted in guilty pleas and convictions than would have been the case in the absence of the reforms.** Because more defendants were released while their cases were pending, they may have had less incentive to plead guilty in order to get out of jail.

- Even though the PSA policy changes increased the percentage of defendants who were released pending trial — and even though a higher proportion of defendants were facing felony charges in the period after the PSA was implemented — **there was no evidence that the PSA policy changes affected the percentages of defendants who made all of their court appearances or who were charged with new crimes while waiting for their cases to be resolved.**

- Most of the changes in pretrial release conditions occurred at a step in the pretrial case process before the PSA report is completed. Thus, **having access to the information in the PSA could have had at most only a small effect on the way judges set release conditions.**

- **There was no evidence of racial disparity in the setting of release conditions and the PSA had no effect on racial disparities within the system.** Black defendants were more likely than other racial groups to be assessed by the PSA as being high-risk, though.

INTRODUCTION

In the United States, over 700,000 people are detained in local jails on any given day — the majority without having been convicted of a crime, often because they cannot afford to post even small amounts of monetary bail.[1] The negative financial, social, and human consequences associated with detaining nonviolent and low-risk defendants while they await court action on their cases has gained increasing attention in recent years. Many jurisdictions would like to reduce the number of people who are held in jail unnecessarily, while preserving public safety and making sure those people show up to court hearings for their cases. As a result, they are seeking alternatives to money-based bail. Often they move to incorporate risk assessments, which are actuarial tools that use data about individual defendants' past criminal histories to estimate their levels of risk if they are released — especially their risks of committing new crimes and of not showing up for their court dates. Although risk assessment tools have been used in the criminal justice system for decades, there has been a recent push to broaden their use in the pretrial phase, which is the period between an arrest and the resolution of the criminal case. These tools are designed to provide more information to the judges who must determine the pretrial release conditions to be imposed on defendants.[2]

Between 2011 and 2014, Arnold Ventures developed the Public Safety Assessment (PSA) with the help of a team of experts. The PSA uses nine factors from a defendant's criminal history to produce two risk scores: one representing the likelihood of a new crime being committed, and another representing the likelihood of a failure to appear for future court hearings. The PSA also notes whether there is an elevated risk of a violent crime. The score is then used in conjunction with a jurisdiction-specific decision-making framework that uses the defendant's PSA risk score in combination with local statutes and policies to produce a recommendation for release conditions. Jurisdiction officials determine the release conditions that correspond to risk levels. A unique feature of the PSA is that it uses only administrative data that can be gathered without the burden and cost of interviewing defendants (a requirement of many other risk assessment tools). The PSA is designed to provide additional information to judges and others making release decisions so that they can better align these decisions with each defendant's risk of failing to appear and committing new crimes.

1 Zeng (2018).

2 Bechtel, Lowenkamp, and Holsinger (2011).

Over 40 jurisdictions in the United States have implemented the PSA. Mecklenburg County, North Carolina was one of the first. It began using the PSA in 2014, switching from another risk assessment — the Virginia Pretrial Risk Assessment Instrument — that had been in use since 2011. This report is the first of a two-part series focused on the effects of the PSA and related policy changes in Mecklenburg County. It describes the effects of the overall policy reforms on pretrial release conditions, incarceration, case outcomes, court appearances, and new criminal charges. The second report in this series supplements these findings with more detail on the implementation of the PSA and the role risk-based decision making played in generating the observed effects. It will describe whether and how the PSA policies affected racial disparities in case and crime outcomes and whether the effects differ among important subgroups of defendants: defendants assessed to be at higher and lower levels of risk, those charged with more and less severe crimes, and those of different races and ages.

Financially based pretrial release conditions such as money bail can perpetuate racial and economic disparities in detention and case outcomes.

BACKGROUND

Judges must balance three goals when determining pretrial release conditions: (1) reasonable assurance that the public will be safe; (2) reasonable assurance that defendants will appear in court; and (3) due process for those accused of a crime. Their overall aim is generally to impose the least restrictive conditions necessary to insure public safety and defendants' appearance in court.[3]

In practice, most jurisdictions, including Mecklenburg County, use money bail or secured bonds to provide assurance that, if released, defendants will appear in court and will not commit new crimes (that is, endanger public safety): Defendants must put up a bond for an amount set by a judge, secured by a cash deposit, which they forfeit if they fail to appear in court.[4] However, in recent years advocates and practitioners have become increasingly concerned that the use of monetary bail does little to ensure public safety, leads to the unnecessary detention of low-risk defendants who cannot afford to pay bail, and allows higher-risk defendants to pay for their release.[5] Financially based pretrial release conditions such as money bail can also perpetuate racial and economic disparities in detention and case outcomes. In an effort to address

3 Clark, Schnake, and Ferrere (2016).

4 North Carolina Statute 15A-544.3.

5 In this document, "detention" is used to describe the circumstance where a defendant is held in jail before sentencing.

these concerns and to reduce costly and unnecessary jail detention, many jurisdictions are moving toward pretrial release systems that are based on defendants' risks of committing new crimes or not appearing in court for future hearings, as projected by validated risk assessment tools and decision-making frameworks. These tools come with other concerns (there is a possibility, for example, that they could perpetuate racial disparities),[6] but they are generally thought to be an improvement over financial approaches.

Mecklenburg County is the most populous county in North Carolina; its largest major city is Charlotte. It is considered one of the more progressive jurisdictions in the state and is currently engaged in a number of reforms aimed at reducing unnecessary detention. Mecklenburg County introduced pretrial risk assessment in 2011, when it began using the Virginia Pretrial Risk Assessment Instrument (VPRAI). It switched to the PSA in June 2014. The major difference between the two tools is that the VPRAI uses historical criminal history data and other information that can only be obtained from a defendant interview; the PSA does not require information from a defendant interview. The analysis in this report is assessing the effect of the PSA as it was implemented compared with the policies that were in place before June 2014, including the VPRAI.

METHODS AND DATA SOURCES

This evaluation uses a mixed-methods research approach that combines qualitative information gathered through an implementation study with a statistical analysis of data drawn from administrative records (that is, data gathered in the normal course of administering the justice system). The effects presented in this report are estimated using an interrupted time series research design. Comparisons for the analysis are generated using cases initiated between January 2012 and May 2014 (the pre-policy period). The cases are grouped into monthly cohorts (for example, all cases where the arrest date was in January 2012 are included in the January 2012 cohort). For each outcome (for example, "new criminal charges"), the analysis creates a monthly average for each cohort, and those averages are plotted in a time series. Data from the cases initiated in the pre-policy months (January 2012 through May 2014) are then used to predict what the outcomes would have been for cases initiated in each of the post-policy months (July 2014 through December 2015) had no changes occurred. The difference in outcomes between the observed

6 Doleac and Stevenson (2016); Mayson (2018); Skeem and Lowenkamp (2015); Angwin, Larson, Mattu, and Kirchner (2016); Southerland (2018); Travis and Western (2014).

values in the post-policy period and the predicted values represents the "effect" of the policy changes.

Qualitative information was collected through interviews with stakeholders and staff members in Mecklenburg County, observations of first appearance hearings (explained below), and a review of statutes and policies. Quantitative data were obtained from the North Carolina Court System and the Mecklenburg County Sheriff's office.[7] The analysis uses data from January 2006 through June 2017. The study focuses on all cases with custodial arrests (that is, arrests where the defendant was taken into custody) in Mecklenburg County between January 1, 2012 and December 31, 2015. The PSA was implemented in the jurisdiction in June 2014, so the dates that were used allow for an analysis of outcomes for all cases initiated 30 months before the PSA was implemented and 18 months after it was implemented. The analysis covers 93,950 total cases for 59,906 individuals.

The analysis is conducted on the case level. All charges associated with a specific arrest date for an individual are considered a single "case." (For ease of explanation, this report also uses the word "defendant" interchangeably with "case.") Data through June 2017 are used to measure case and defendant outcomes for a year and a half after each case was initiated (the cases' start dates in the time-series figures). Effects on pretrial release conditions are assessed for all cases initiated during the study's time period (between January 2012 and December 2015). Effects on new criminal charges during the pretrial period are assessed for cases that were resolved within a year and a half after the initial arrest. Cases that were still open when the data were extracted cannot be used to measure certain outcomes that require the case to be resolved (for example, failure to appear and case disposition). About 95 percent of cases were resolved within the year-and-a-half time frame, so excluding those that were not resolved does not meaningfully affect the results of the analysis. More detailed information about the statistical methods used in this evaluation is available in a technical working paper.[8] Box 1 explains how to read the time-series figures that illustrate the effects in this report.

This study is able to provide suggestive evidence about the effects of the PSA. It cannot isolate the effects of the PSA from other factors that may have af-

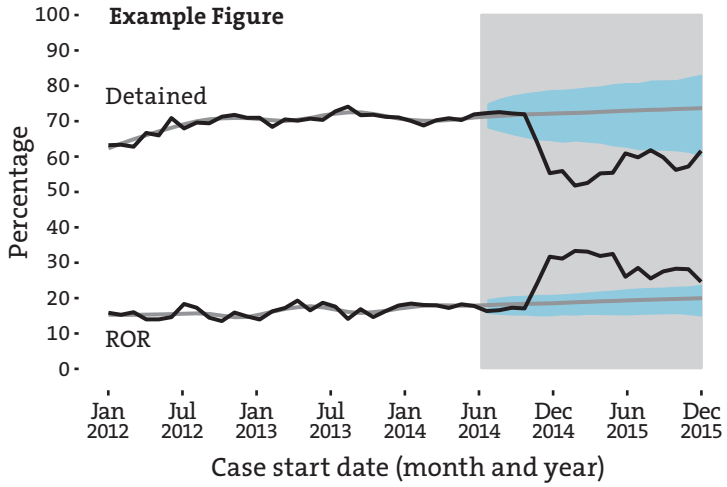
7 North Carolina Administrative Office of the Courts, Organizational Development Division (2014).

8 Miratrix (2019).

BOX 1 How to Read the Time-Series Figures

An example figure appears below. The x axis shows the month and year of the start of a case. The cases are grouped into monthly cohorts (for example, all cases with arrest dates in January 2012 are included in the January 2012 cohort). For each outcome, the analysis creates a monthly average for each cohort, and those averages are plotted in a time series. Cases initiated from January 2012 to May 2014 are considered to be in the pre-policy period; those initiated from June 2014 to January 2015 are considered to be in the post-policy period. The post-policy period is shown by the shaded area to the right. The follow-up period is 18 months unless the figure indicates otherwise. This time frame makes it possible to track case outcomes through June 2017.

In the figure, the observed monthly rates of detention and release are shown by black lines. The observed rates among cases in the pre-policy period are used to generate a time-trend model, resulting in predicted rates in the post-policy period that are indicated by the gray lines in the shaded area of the figure. The estimated effect of the PSA-related policies is the difference between the black observed line and the gray predicted line. The blue shaded area above and below the gray predicted line represents the confidence band around the predicted estimates. The thinner the confidence band, the less variable the predictions from the model are. As the predictions get further from the time of the policy changes, the prediction bands become wider, showing that there is less certainty in the predictions later in the follow-up period. The predicted and observed values for each outcome are presented in the table below each figure for cases initiated in December 2014, six months after the policies were implemented. December 2014 cases are the focal point for this analysis because an interrupted time series research design is based on observing abrupt shifts in outcomes shortly after a new policy or practice is put in place. Six months is reasonably soon after the PSA policies were adopted, but long enough afterward to ensure that they were fully in place.



December 2014 (Month 6) Cases (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Detained	51.1	40.4	-10.7	-20.9
ROR	36.9	46.6	9.7	26.3

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

NOTES: *Difference* is the observed outcome minus the predicted outcome. *Percentage change* refers to the difference between the observed and predicted values as a percentage of the predicted value. *ROR* means the defendant was released on his or her own recognizance without any additional requirements.

fected the outcomes.[9] Therefore, this document describes findings in suggestive rather than conclusive terms. Furthermore, the amount of variation in the outcome measures throughout the pre-policy period results in additional uncertainty regarding the accuracy of the predictions for the post-policy period. The statistical significance of the effects is therefore not reported. The upper and lower confidence intervals of the predictions are shown in the time-series figures with shading around the predicted trend lines in the post-policy period. When this document discusses the effects of "the PSA policy changes," it is referring to the PSA, the decision-making framework, and other related policy changes implemented around the same time.

Jurisdictions implementing the PSA expect to see a reduction in the use of money bail, especially for lower-risk defendants.

THEORETICAL BACKGROUND

As discussed above, judges must determine the least restrictive conditions necessary to (1) ensure that a defendant who is arrested and charged with a crime will show up to future court dates and (2) ensure the safety of the public, typically by making it less likely that the defendant will commit a crime while waiting for the case to be resolved. Courts are especially concerned with the risk of a defendant committing a new felony or violent crime during the pretrial period.

Most pretrial reforms aim to shrink burgeoning jail populations and unnecessary detention: Detention has high financial costs for jurisdictions and high personal costs for defendants. However, stakeholders worry that if more defendants are released, more of them could miss court dates or could commit new crimes while waiting for their cases to be resolved.

Judges use money bail to try to ensure that defendants appear in court and to make it less likely that they will commit new crimes. But bail leads to unnecessary and costly detention because many defendants cannot afford to post even small amounts of money for the cash deposit. Furthermore, it does not effectively ensure public safety because high-risk defendants with enough money can simply pay the bail and be released immediately.

Jurisdictions implementing the PSA expect to see a reduction in the use of money bail, especially for lower-risk defendants. If money bail is used less and more defendants are released before trial, there may be corresponding effects on case outcomes. For example, there may be a reduction in convictions

9 Only a randomized controlled trial research design could make it clear whether the PSA caused the effects described here.

and guilty pleas because defendants who are not detained while they wait for their cases to be resolved may have less incentive to plead guilty as a way of getting out of jail more quickly.[10] These may be desirable outcomes for the most part, but there is a trade-off: If fewer defendants are detained, more of them could miss court dates or incur new criminal charges.

BACKGROUND ON THE PRETRIAL CRIMINAL JUSTICE PROCESS AND THE PSA

As is the case in many jurisdictions that implement the PSA, when Mecklenburg County adopted the tool it was undergoing broad cultural and policy shifts that also included training for court staff members, magistrates, and judges in the best practices of pretrial release and detention and in how to use risk assessment to help determine release conditions.[11] Changes in leadership also occurred shortly after the PSA was adopted that led to additional shifts in policy and practice. This study is assessing the effect of all of these changes that occurred around the same time, referred to as the PSA policy changes. When possible, the analyses attempt to isolate the potential effects of the actual use of the PSA and the decision-making framework from the effects of the other shifts that occurred.

Of the initial group of jurisdictions that adopted the PSA, Mecklenburg County is the one of the few with Pretrial Services staff members whose only responsibilities are to generate PSA scores, produce recommendations based on the accompanying decision-making framework, and distribute the resulting reports in time for defendants' first appearance hearings.[12] In other jurisdictions, the staff members who generate PSA reports are typically also responsible for supervising defendants, and each has a caseload.

There are three points when pretrial release decisions are made in Mecklenburg. (Figure 1 presents a simplified illustration of the pretrial case process, with these decision points shown in darker blue.) The first decision point occurs just after an individual is arrested.[13] At that point, a magistrate will de-

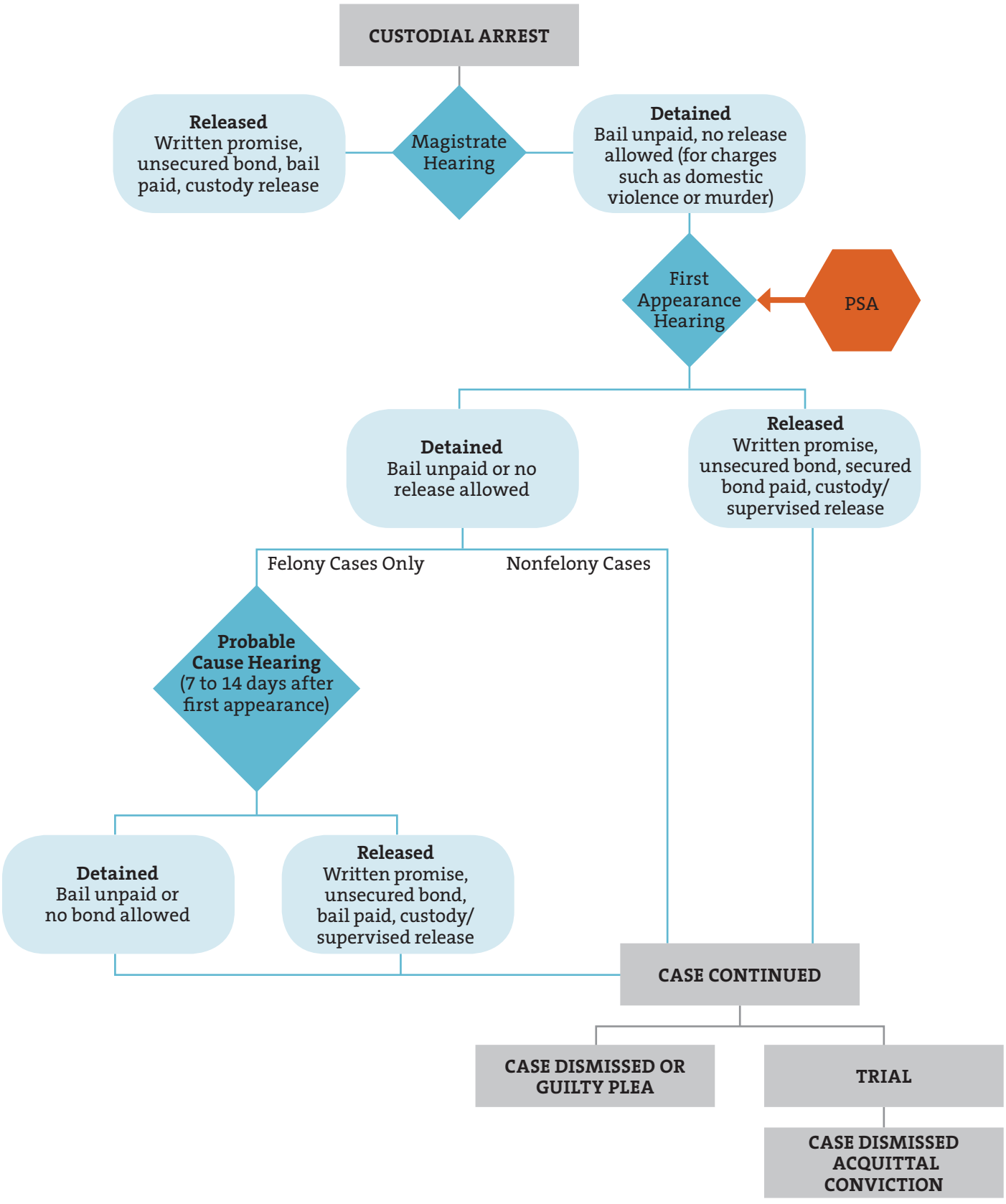
10 Dobbie, Goldin, and Yang (2016).

11 An example of best practices can be found in National Association of Pretrial Services Agencies (2004).

12 Pretrial Services is part of Mecklenburg County Criminal Justice Services.

13 The term "arrest" is defined as a defendant being taken into custody, typically referred to as a "custodial arrest" in Mecklenburg County. For the purposes of this analysis, the defendant is not considered detained at this stage in the pretrial case process because he or she has not been booked into jail.

FIGURE 1 Simplified Diagram of the Pretrial Case Process in Mecklenburg County, NC



cide whether to release the defendant on a written promise or an unsecured bond, set a secured bond (that is, money bail), or release the defendant into the custody of another party.[14] For certain capital crimes and domestic violence offenses North Carolina statute stipulates that only a judge can set conditions of release, so a defendant charged with one of these kinds of crimes cannot have a bond determination made by a magistrate.[15] The PSA report is not available to magistrates at this early decision point. Individuals who are not allowed bond due to the charges against them or who are not able to post the bail set by the magistrate are booked into jail and scheduled for a first appearance hearing, where they go before a judge.

The first appearance hearing is the second point in the process where decisions about release are made. When a defendant is not released by a magistrate, he or she is booked into jail and automatically scheduled for a first appearance hearing, which usually occurs on the next business day.[16] The Pretrial Services staff is provided a list of those scheduled for first appearance hearings each morning, and this list triggers the staff members to create a PSA report for each defendant on the list. They check a series of local and national databases for the factors required to score the PSA. This information is entered into the PSA algorithm. Once the risk scores are generated, the staff members use the decision-making framework customized to the jurisdiction's release conditions and policies, and produce the PSA report. The PSA report is provided to the judge, the defense attorney, the prosecutor, and Pretrial Services representatives at all court hearings.

For felony cases, a third release decision point in the pretrial case process occurs at a probable cause hearing, where a judge determines whether there is enough evidence, or "probable cause," for the prosecutor to pursue further action on the case against the defendant. Notably, separate bond review hear-

14 In North Carolina, magistrates are independent judicial officers of the district courts who are responsible for a variety of criminal and civil court proceedings. See North Carolina Judicial Branch (n.d.).

15 According to North Carolina Statute 15A-534.1(b): "A defendant may be retained in custody not more than 48 hours from the time of arrest without a determination being made under this section by a judge. If a judge has not acted pursuant to this section within 48 hours of arrest, the magistrate shall act under the provisions of this section."

16 According to North Carolina Statute 15A-601: "Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first appearance before a district court judge must be held within 96 hours after the defendant is taken into custody or at the first regular session of the district court in the county, whichever occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this Chapter, Bail, within 96 hours after being taken into custody, first appearance must be held at the next session of district court held in the county."

ings may be scheduled after the first appearance hearing for defendants who are detained or have not been able to pay the money bail set by the judge at the first appearance. PSA reports are available from Pretrial Services, but are not generated anew for bond review hearings.

EFFECTS ON PRETRIAL RELEASE CONDITIONS

As described above, the theory behind using the PSA and the associated decision-making framework recommendations is that judicial officers may impart different pretrial release conditions on defendants than they would without the additional information and recommendations. Specifically, low- and moderate-risk defendants may have money bail set less often and be more likely to be released until their cases are resolved. Conversely, higher-risk defendants may be more likely to have money bail set or have other more restrictive conditions placed on them while they await trial.

- **How did the PSA policy changes affect pretrial release conditions?**

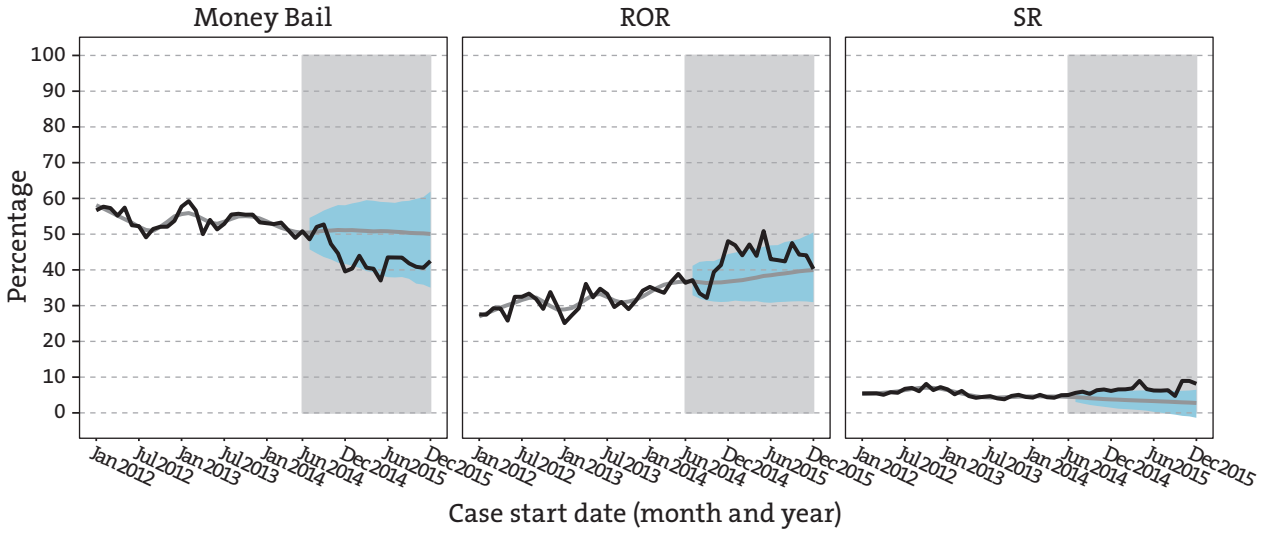
In Mecklenburg County, there are four commonly used release conditions: Written Promise to Appear, Unsecured Bond, Secured Bond, and Place in the Custody of a Designated Person or Organization.[17] For the purposes of using language widely recognized in pretrial practice nationally, this study refers to the conditions of Written Promise to Appear and Unsecured Bond as "released on one's own recognizance (ROR)." Secured Bond is referred to as "money bail," and Custody of a Designated Person or Organization is referred to as "supervised release" (SR).[18] Therefore, one of four things can happen to defendants when conditions of release are set: (1) They may be released on a written promise/unsecured bond (called ROR in this study). (2) They may be released on secured bond (money bail, requiring a payment for release). (3) They may be released into some other form of custody or given supervised release where they will have to report regularly to Pretrial Services. (4) They may be allowed no form of bond or release and be kept in jail.[19] "No bond allowed" charges are not shown in the figures for the purposes

17 Technically, there is a fifth release condition: House Arrest with Electronic Monitoring. Only a few defendants in the sample were assigned this release condition. Furthermore, this condition is always accompanied by a secured bond. Therefore, these cases are included in the Secured Bond category. See North Carolina Statute 15A-534(a).

18 There are three types of release to Custody of a Designated Person or Organization in North Carolina. For clarity in describing this condition, this report combines all three under the general category referred to as supervised release.

19 North Carolina Statute 15A-534.1 requires that defendants charged with certain crimes (such as domestic violence or other serious, violent offenses) be detained until a first appearance hearing, where a judge decides on pretrial release conditions.

FIGURE 2 Effects of the PSA Policies on Final Pretrial Release Conditions



December 2014 (Month 6) Cases

Outcome (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Money bail	51.1	40.4	-10.7	-20.9
ROR	36.9	46.6	9.7	26.3
SR	3.7	6.3	2.6	69.4

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

NOTES: Here *bail* refers to monetary bail or a "secured bond." *ROR* means the defendant was released on his or her own recognizance without any additional requirements, and *SR* means the defendant was released to the custody of Mecklenburg Pretrial Services for supervision or, in a small number of cases, to the custody of an adult. *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

SHORTLY AFTER THE PSA POLICIES WERE IMPLEMENTED, THERE WAS A SHARP DECLINE FROM PREVIOUS TRENDS IN THE PROPORTION OF CASES WHERE MONEY BAIL WAS SET. THERE WAS A CORRESPONDING SHARP INCREASE IN THE PROPORTION WHERE DEFENDANTS WERE RELEASED WITH NO FINANCIAL CONDITIONS.

of presentation, but they are included in the analysis. (Very few charges fall into this category.)

Figure 2 shows the proportion of cases initiated in each month that received each of the first three pretrial release options. The release decision shown in this figure represents the last known decision, which could have been made at the magistrate hearing, first appearance hearing, or bond review hearing (whichever was the last decision before a person was released or the case was resolved). The table below the figure shows the effects among defendants arrested six months after the PSA policy changes (December 2014). December

2014 cases are the focal point for this analysis because an interrupted time series research design is based on observing abrupt shifts in trends for outcomes in the time shortly after a new policy or practice is put in place. Six months is reasonably soon after the PSA was adopted, but long enough afterward to ensure that the policy was fully in place. For the remainder of this report, the focus for assessing the effects of the PSA policy change is among those cases with custodial arrests in December 2014.[20] Nonetheless, to allow for a deeper understanding of the context, descriptions of trends over time are provided.

Figure 2 shows that the use of money bail was lower than the pre-policy-period trend predicted, as illustrated by the observed rate of 40 percent among cases initiated in December 2014 relative to the predicted rate of 51 percent for that cohort of cases. This observed rate represents a 21 percent decline from the trend. The reduction in the use of bail is accompanied by an increase in ROR of 26 percent above the predicted rate in December 2014. The increase above the predicted rate continued throughout the post-policy period, with some fluctuations from month to month. While supervised release was used relatively little, there was an increase above the predicted trend throughout the post-policy period, suggesting that judicial officers may have been setting nonfinancial supervision conditions instead of money bail for some defendants.

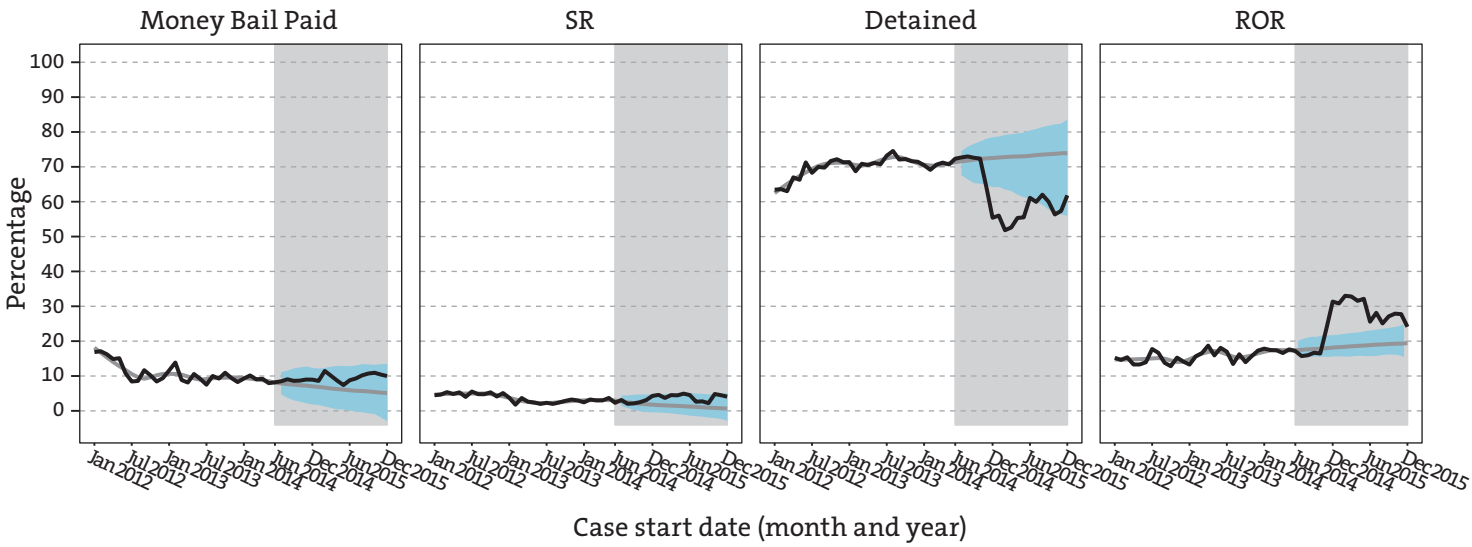
- **How much of the effect on release decisions can be attributed to the actual use of the PSA?**

As illustrated in Figure 1, each defendant arrested has a first hearing in front of a magistrate shortly after being taken into custody. The PSA is not available at this hearing; the magistrate makes a release decision based on the charge, the defendant's criminal history, and the arresting officer's report. Because the PSA is not available at this hearing, analyzing the release conditions set at this stage provides suggestive evidence about how much of the effects shown in Figure 2 can be attributed to mechanisms other than the PSA itself, for example, to training or other policy shifts that occurred alongside the adoption of the PSA.

Figure 3 shows that in the years before the PSA policy changes, more than three-fourths of defendants were detained after the magistrate hearing. Detention can occur either because the charges require the defendant to be detained until the first appearance hearing or because the defendant has

20 Technically, the observed rate is smoothed by averaging it with nearby months to account for month-to-month random variation.

FIGURE 3 **Effects of the PSA Policies on the Release Conditions Set at Initial Magistrate Hearings**



December 2014 (Month 6) Cases

Outcome (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Money bail paid	6.9	8.7	1.7	24.5
SR	1.7	4.2	2.5	145.4
Detained (ineligible for release or did not pay bail)	72.8	57.3	-15.5	-21.3
ROR	18.0	29.8	11.8	65.5

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

NOTES: Here *bail* refers to monetary bail or a "secured bond." *ROR* means the defendant was released on his or her own recognizance without any additional requirements, and *SR* means the defendant was released to the custody of Mecklenburg Pretrial Services for supervision or, in a small number of cases, to the custody of an adult. *Detained* includes cases where a defendant either failed to pay financial bail at the magistrate step or was not eligible for release due to the nature of the charges. *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

AMONG CASES INITIATED IN THE MONTHS IMMEDIATELY FOLLOWING THE PSA POLICY CHANGES, THE PROPORTION OF DEFENDANTS DETAINED BY MAGISTRATES DECLINED SHARPLY FROM THE PRE-POLICY TREND. THERE WAS A CORRESPONDING INCREASE ABOVE THE PREDICTED TREND IN THE PROPORTION OF DEFENDANTS RELEASED WITHOUT CONDITIONS BY MAGISTRATES.

bail set and is unable to pay it. The data do not specify the exact reasons for detention after the magistrate hearing, but the current analysis determined that most of those defendants were detained by magistrates because they had money bail set and were unable to pay it immediately.[21]

The time trend analysis suggests a reduction in the setting of money bail by magistrates in the post-policy period, relative to the trend established in the pre-policy period. After about one year, the rate of detention remains consistently lower than the prediction. Among those arrested in December 2014, the proportion detained by magistrates was 57 percent, 16 percentage points less than the predicted rate of 73 percent. Among that same cohort of defendants the rate of ROR increased to 30 percent, 12 percentage points above the predicted rate of 18 percent (a 66 percent change).

These findings suggest that magistrates set money bail less frequently following the PSA changes, even though they did not have the PSA report itself. It seems likely that other aspects of the policy or cultural shifts that occurred along with the implementation of the PSA affected magistrates' decisions.

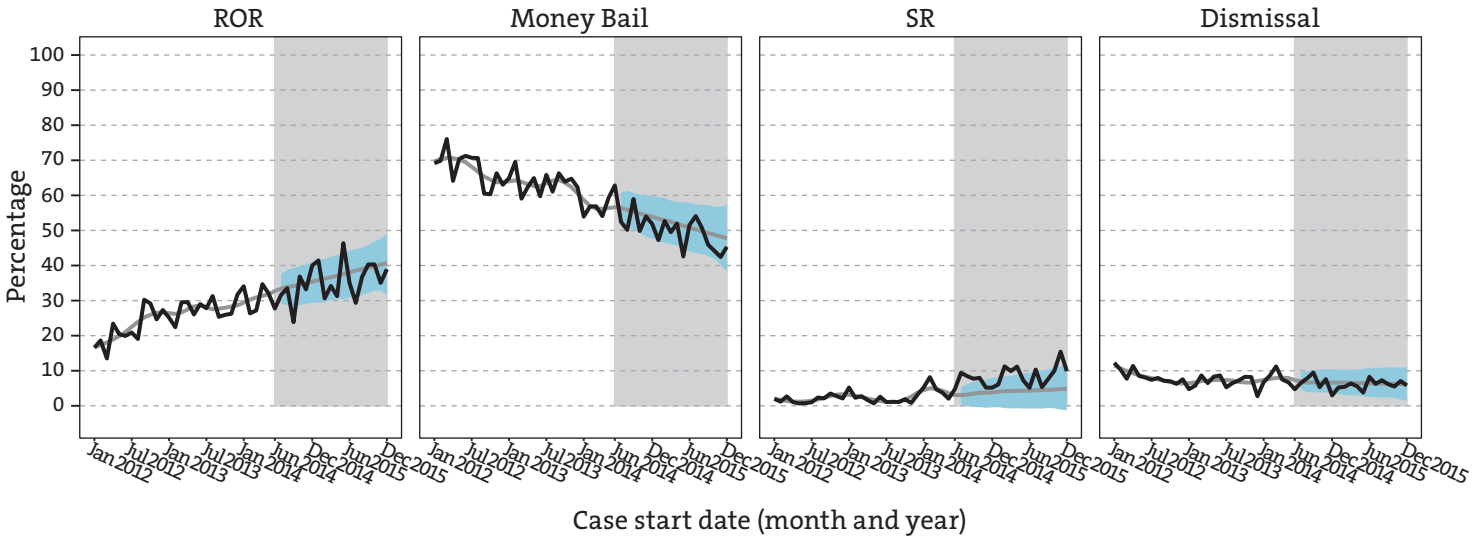
It is not possible to isolate the effects of judges' access to the information in the PSA at the first appearance hearing (where the report is made available), because the effects that occurred at the magistrate hearing changed the kinds of cases that made it to the first appearance hearing during the post-policy period. However, defendants facing domestic violence charges will be detained to await a first appearance hearing where a judge sets release conditions.[22] So by analyzing effects at the first appearance hearing for domestic violence cases only, one can assess the effect the PSA report itself *might* have had on decision making, at least for those specific kinds of cases.

As Figure 4 shows, there was little change relative to the trend in money bail setting or ROR at the first appearance hearing among domestic violence cases, suggesting that judges' access to the PSA report itself did not affect their release decisions. Notably, there was already a downward trend in the use of bail and an upward trend in ROR in the months before the PSA was implemented. These trends were predicted to continue into the post-policy period. Thus, there was little significant deviation from the *predicted* value, even

21 Approximately 28 percent of defendants who were initially detained also had charges that made them ineligible for release by a magistrate.

22 North Carolina Statute 15A-534.

FIGURE 4 Effects of the PSA Policies on the Release Conditions Set at Initial Appearance Hearings, Among Domestic Violence Cases



December 2014 (Month 6) Cases

Outcome (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
ROR	35.6	39.3	3.7	10.4
Money bail	54	51.2	-2.8	-5.2
SR	4.1	4.8	0.7	17.3
Dismissal	6.7	4.7	-1.9	-28.5

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

NOTES: Here *bail* refers to monetary bail or a "secured bond." *ROR* means the defendant was released on his or her own recognizance without any additional requirements, and *SR* denotes cases where a defendant was released to the custody of Mecklenburg Pretrial Services for supervision, or, in a small number of cases, to the custody of an adult. *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

THERE WERE NO SIGNIFICANT EFFECTS OBSERVED ON BAIL SETTING OR ROR AMONG DOMESTIC VIOLENCE CASES AT THE INITIAL APPEARANCE HEARING. THIS FINDING SUGGESTS THAT JUDGES' ACCESS TO THE PSA REPORT ITSELF HAD LITTLE EFFECT ON PRETRIAL RELEASE CONDITIONS FOR SUCH CASES.

though money bail was used less in general in the post-policy period than it was in the pre-policy period.

There are many reasons that domestic violence cases are not representative of most cases that make it to the first appearance hearing. While this analysis provides suggestive evidence about the influence of the PSA report on decision making for domestic violence cases, there is reason to be cautious about using that evidence to draw conclusions about the effects among other types of cases. Nonetheless, it is not surprising that first appearance judges did not appear to shift dramatically in setting release conditions because they had

already been provided with information from another risk assessment tool (the VPRAI) before switching to the PSA.

The second, supplemental report in this series examines the mechanisms causing the effects in more detail, specifically examining whether pretrial release conditions were more aligned with defendants' assessed risks after the PSA was adopted. If the release conditions *were* more aligned with defendants' assessed risks after the PSA was implemented, it would suggest that the jurisdiction was in some way taking those risks into account, possibly by making decisions informed by the PSA.

EFFECTS ON DETENTION IN JAIL

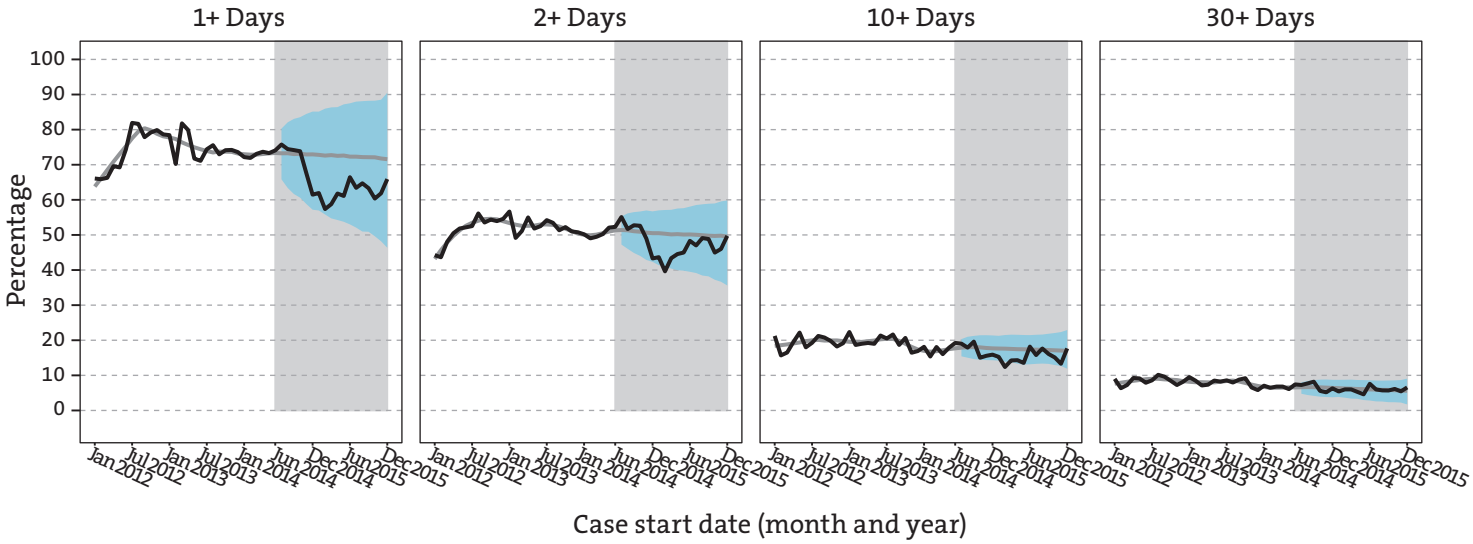
The PSA policy changes appear to have led to less use of money bail and reductions in initial detention (that is, defendants being booked into jail after arrest). This section examines whether those effects translated to reductions in jail detention overall.

- **How did the PSA policy changes affect pretrial detention?**

For each case, detention was measured in two ways: (1) an indicator of whether the defendant was initially detained due to that arrest and (2) the number of days of pretrial detention for the initial arrest. (If a defendant was not initially detained, the number of days of pretrial detention is considered to be 0 in the analysis.)[23] Figures 5 and 6 show both of these outcomes. As described above, detention in jail can occur either because the charges in the case required that the defendant be held until a first appearance hearing before a judge or because the defendant did not pay money bail set by magistrates. The "initially detained" ("1+ days") line in Figure 5 shows that, on average during the pre-policy period, defendants in about 75 percent of cases were detained. About 25 percent of defendants were released immediately (either because they immediately paid money bail set by magistrates or were released on their own recognizance or under supervision). As the figure shows, the rate of initial detention fell sharply to 63 percent among defendants arrested six months after the PSA policies were implemented (in December 2014), about 10

23 Initial detention does not include jail time due to subsequent detention (after a release) either for that case or for arrests for new crimes or community-supervision violations. This analysis cannot detect whether total jail time reflects multiple cases if the jail time from those cases is overlapping, however, so some of the initial-detention lengths of stay could be inflated. This inflation should not be major concern for the analysis, though, because it should affect the measure the same way in the pre-policy and post-policy periods.

FIGURE 5 Effects of the PSA Policies on Days of Pretrial Detention



December 2014 (Month 6) Cases

Days Detained (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
1+	72.8	62.9	-9.9	-13.6
2+	50.8	44.7	-6	-11.8
10+	17.7	15.9	-1.8	-10.2
30+	6.4	5.8	-0.6	-9.4

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

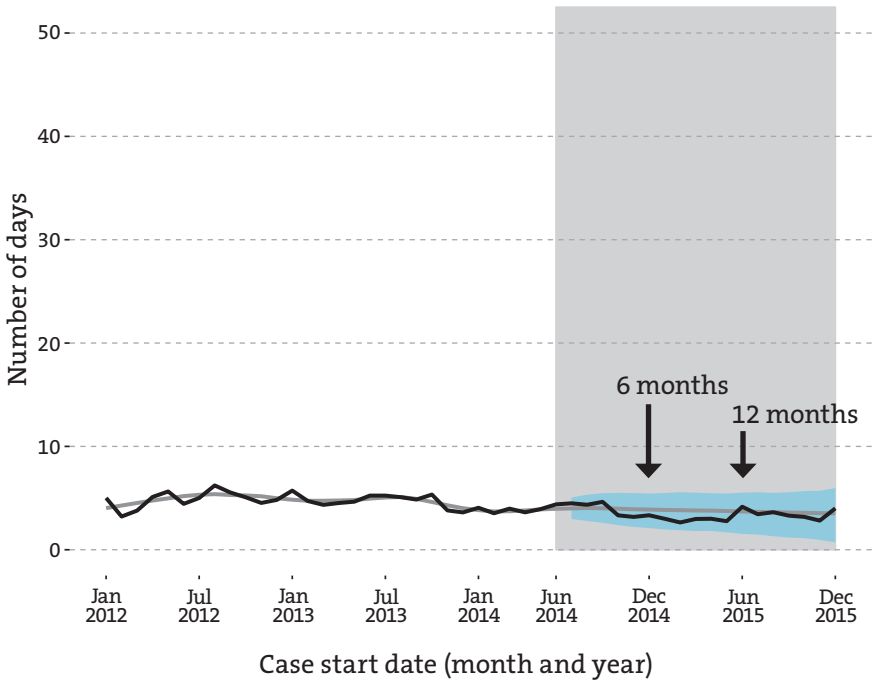
NOTES: *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

FEWER DEFENDANTS WERE DETAINED AFTER THE POLICY CHANGES WENT INTO EFFECT. MOST OF THE DECLINE FROM THE PRE-POLICY TREND IN PRETRIAL DETENTION OCCURRED AMONG DEFENDANTS WHO WOULD HAVE BEEN DETAINED ONE OR TWO DAYS.

percentage points below the predicted rate for that month. As illustrated by the wide shaded bands around the predicted trend, however, there is a good deal of uncertainty in the statistical model.

The three other graphs in Figure 5 show the proportion of cases that had initial detention spans longer than 2, 10, and 30 days. They show, for example, that about 51 percent of cases resulted in an initial detention for two or more days in the pre-policy period. Six months after the policy changes, defendants in 45 percent of cases were detained for two or more days, about 6 percentage points less than predicted. There is little to no difference from the predicted trends in the proportion of defendants detained more than 10 or 30 days.

FIGURE 6 Effects of the PSA Policies on Average Days Detained



December 2014 (Month 6) Cases

	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Number of days detained	3.9	3.2	-0.6	-15.5

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

NOTES: This measure uses the 95 percent trimmed mean: the monthly average among cases with values no more extreme than the 95th percentile. This adjustment excludes extreme values that would otherwise exert a disproportionate influence on the mean. *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

THERE WAS LITTLE DEVIATION FROM THE TREND IN DEFENDANTS' LENGTH OF DETENTION IN JAIL.

Figure 6 shows that, on average, defendants spent three to four days detained.[24] The PSA policies did not have an effect on this outcome. As shown, there were no detectable changes from the trend on the average number of days detained.

24 The average length of initial detention in the post-policy period was 3.2 days for the study sample, including zeros for those not detained. This average was calculated after trimming the longest 5 percent of cases. Doing so made sure that the cases that were still unresolved did not skew the average. Among those detained, the average length of detention was 6.5 days.

The pattern of findings suggests that there was a reduction in initial detention because magistrates set bail at lower rates and released defendants on their own recognizance (ROR) at higher rates after the PSA policies were implemented, but this reduction did not translate into an effect on days detained. The effect on days detained was muted for a couple of reasons. First, the reduction in pretrial detention seems to have occurred mainly among defendants who would have been detained for shorter periods, a day or two at most; there was no effect on defendants with longer stays in detention. Second, some of the increase in pretrial release (ROR) occurred among defendants who would have had bail set by magistrates and paid it immediately in the pre-policy period, and thus would have been released anyway.

- **How did the PSA policy changes affect the Mecklenburg County jail population?**

To the extent that the PSA policies reduced the number of people who were initially detained, they may have also affected the county jail population, that is, the total number of people detained in the county jail at a given time. However, it is important to note that jurisdictions often implement pretrial reforms such as the PSA as part of a larger effort to reduce the number of people in jail. In other words, while the PSA policies could have affected the jail population, a range of other factors also could have affected detention: the number of arrests in the jurisdiction, police practices, crime rates, sentencing, and other mechanisms. If the PSA policies are affecting the jail population, one would expect to see changes in the number of people detained while awaiting court action specifically. However, other things such as overall crime and police activity can also affect the number of people detained while they await court action because the number of people arrested to begin with can contribute substantially to the jail population. This section examines changes in the average jail population and in overall arrests in the county.

Figure 7 shows the number of people detained in Mecklenburg County jail on an average day in each month of the time period studied.[25] The analysis did find an effect on jail detention (less use of money bail and more ROR), and it is possible that the population in the county jail may have declined as a result. The three panels in Figure 7 show the total jail population as well as the number of people in jail awaiting court action on their cases and the number in

25 This analysis of average daily population in the county jail is examining the time frame when pretrial detention among the study cohorts might have most affected the overall population in the county jail (January 2012 through December 2015, the period when the cases in the study sample were initiated).

FIGURE 7A Effects of the PSA Policies on the Average Daily Population in Mecklenburg County Jail

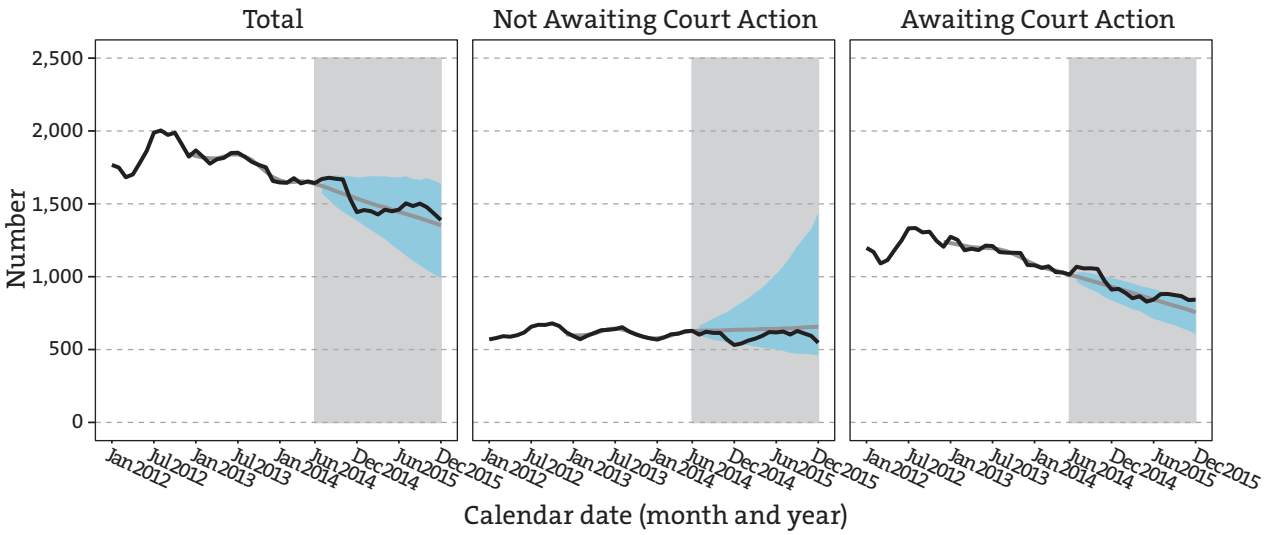
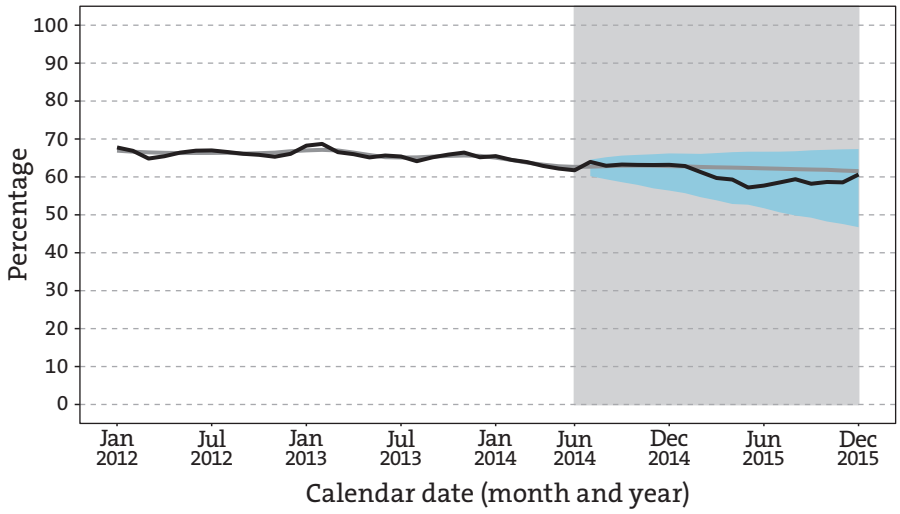


FIGURE 7B: Percentage of the Average Daily Population Detained While Awaiting Court Action



December 2014 (Month 6) Cases

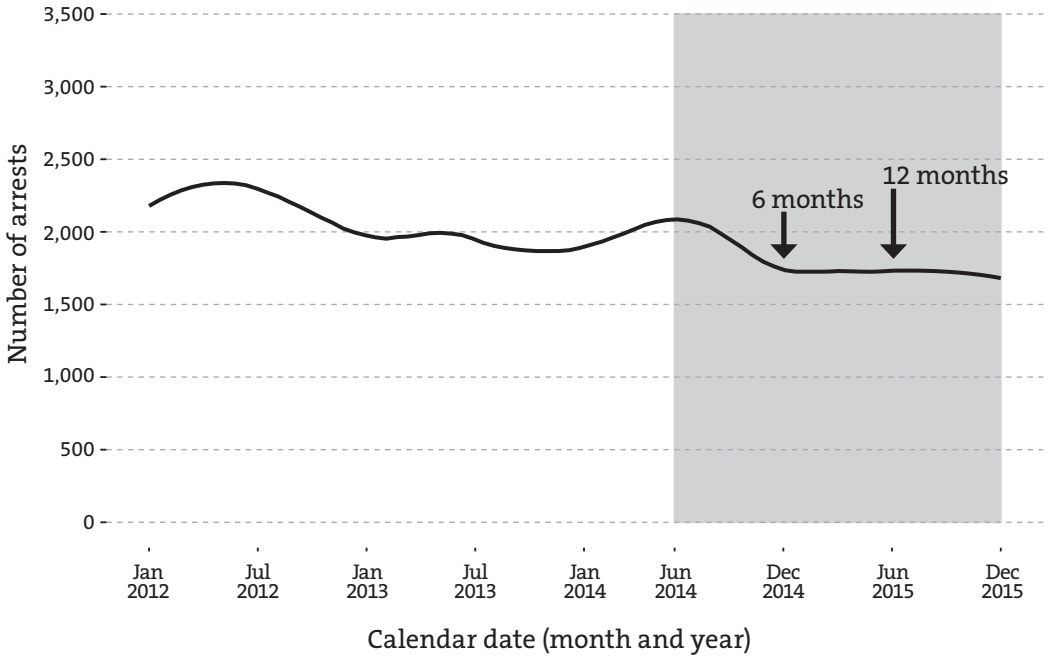
Daily Population	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Total	1,509	1,459	-50	-3.0
Not awaiting court action	585	537	-49	-8.4
Awaiting court action	942	922	-20	-2.1
Percentage awaiting court action	62.9	63.2	0.3	0.5

SOURCE: The analysis is based on data from the Mecklenburg County Sheriff's Office.

NOTES: The monthly average daily population of the Mecklenburg County jail includes those who were waiting for their cases to be resolved (the pretrial population) *and* those detained for all other reasons, including serving sentences. *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

MOST MECKLENBURG COUNTY JAIL INMATES WERE WAITING FOR THEIR CASES TO BE RESOLVED. THE AVERAGE NUMBER OF DEFENDANTS IN THE JAIL WHO WERE AWAITING COURT ACTION DECREASED STEADILY OVER TIME.

FIGURE 8 Total Number of Arrests in Mecklenburg County During the Period of the Study



SOURCE: The analysis is based on data from the Mecklenburg County Sheriff's Office.

NOTE: This measure includes all criminal custodial arrests in Mecklenburg County.

THE NUMBER OF ARRESTS DECLINED STEADILY OVER THE STUDY PERIOD, BEGINNING IN JANUARY 2013, MANY MONTHS BEFORE THE PSA WAS IMPLEMENTED. THERE DOES NOT APPEAR TO BE A SHARP BREAK FROM THIS TREND AFTER THE PSA POLICIES WENT INTO EFFECT.

jail for other reasons.[26] As the figure shows, the total jail population declined steadily over time, starting around January 2013, well before the PSA policies were implemented. That decline seems to have occurred mainly among pre-trial defendants.

Figure 8 presents the total number of arrests during the study period. Total arrests are an indicator of crime rates and of police activity, and can shed light on the mechanisms contributing to the changes in the jail population. As the figure shows, arrests declined slowly from about 2,200 per month in January

26 The county jail population includes individuals being held for a variety of reasons other than awaiting trial, including serving sentences and being held for substance abuse treatment, orders of extradition to other jurisdictions, and state confinement programs for misdemeanors.

2012 to around 1,600 per month during the post-policy period.[27] There is little evidence that the PSA policies affected the number of arrests.

An extended analysis of the number of people arrested and jailed through 2017 shows the jail population returning to its pre-policy level while arrests continued to decline.[28] This combination of findings provides evidence that fluctuations in the jail population are not fully explained by fluctuations in arrests, and that court practices may be contributing in some way to the changes in the jail population.

In summary: Reductions in arrests probably helped to reduce the jail population. Reforms in pretrial court practices also probably reduced the jail population.

EFFECTS ON CASE OUTCOMES

As described above, the PSA-related policy changes in Mecklenburg affected the pretrial release conditions set for defendants: Defendants were less likely to have bail set and were less likely to be detained before their cases were resolved. One possible result of those effects could be changes in case outcomes. If fewer defendants were detained while they waited for their cases to be resolved, they may have had less incentive to plead guilty, and therefore fewer cases may have resulted in convictions. It may have also taken more time to resolve cases.

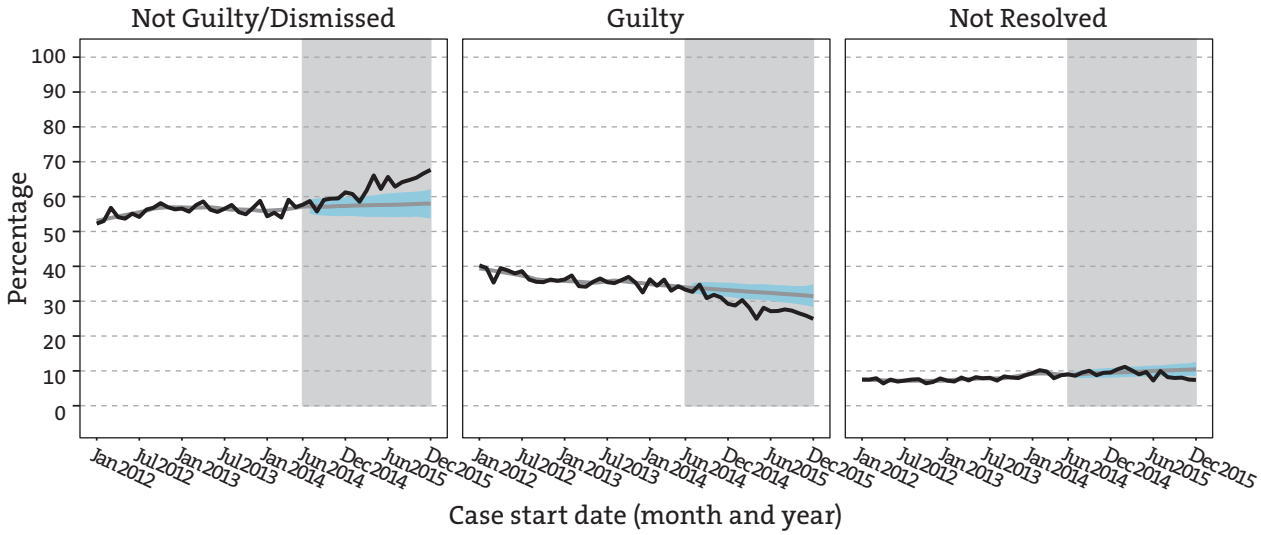
- **How did the PSA policy changes affect case outcomes?**

Figure 9 presents the effects of the policy changes on the proportions of cases resulting in guilty findings (usually through pleas) or complete dismissals of all charges. Not-guilty findings are combined with dismissals for the purposes of this analysis (fewer than 1 percent of all cases resulted in not-guilty findings).

27 Some of the fluctuation in the number of arrests observed over the study period is probably due to seasonal factors. It is widely recognized that crime patterns (and arrests) are affected by the temperature, with more crime occurring during warmer months and less crime during colder months. See Lauritsen and White (2014); McDowall, Loftin, and Pate (2012).

28 The pretrial jail population appeared to be growing in 2017, approaching the level it was at before the PSA policies were implemented. This pattern does not appear to be reflect increases in overall arrests or crime. Something about the court case process may have been shifting in recent years, leading to an increase in pretrial detention. This later shift is also unlikely to be an effect of the PSA policies.

FIGURE 9 Effects of the PSA Policies on Case Resolutions Within 18 Months After Cases Were Initiated



December 2014 (Month 6) Cases

Outcome (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Not guilty/dismissed	57.2	60.9	3.6	6.3
Guilty	33.2	29.4	-3.8	-11.5
Not resolved	9.5	9.7	0.2	2.1

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

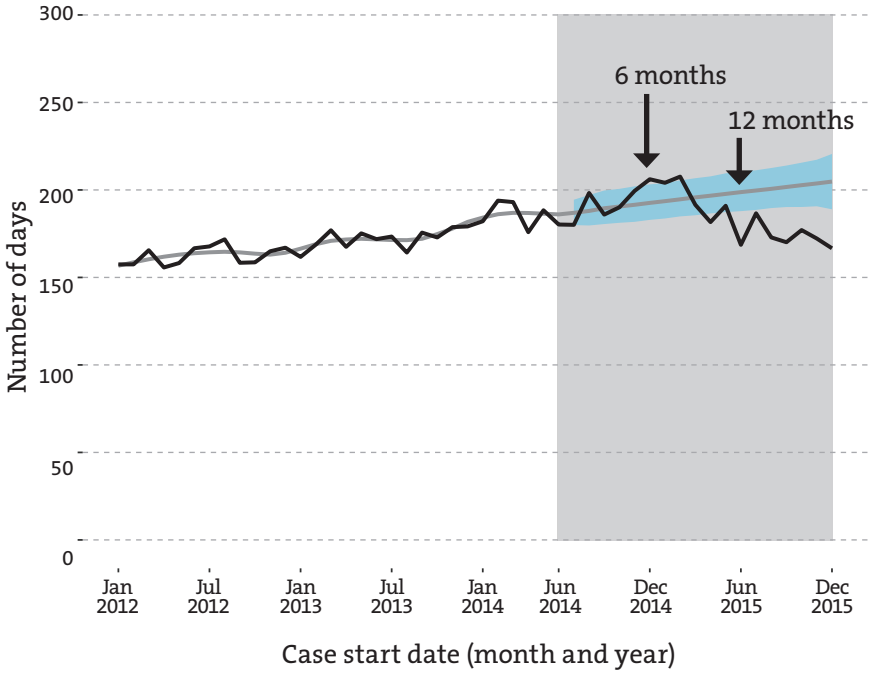
NOTES: *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

DISMISSALS IN THE POST-POLICY PERIOD WERE SOMEWHAT HIGHER THAN PREDICTED BASED ON PRE-POLICY TRENDS. SIMILARLY, CONVICTIONS WERE SOMEWHAT LOWER THAN PREDICTED.

Figure 9 shows that almost all cases initiated during the study period resulted in either dismissals or convictions, with the majority ending in dismissal. Among cases initiated in December 2014, the proportion of cases ending in convictions was somewhat lower than predicted based on the pre-policy trend. About 29 percent ended in guilty findings compared with the predicted rate of about 33 percent, a small reduction of 4 percentage points. This finding suggests that the PSA policy changes may have had a small effect on the outcomes of cases, and the pattern shown in the figure suggests that the effect may have grown somewhat over time.

Figure 10 shows that the PSA policy changes led to an increase of about 12 days in the time it took to resolve cases initiated in December 2014, compared

FIGURE 10 Days to Case Resolution



December 2014 (Month 6) Cases

Case Start Date	Predicted Outcome	Observed Outcome	Difference	Percentage Change
December 2014 (Month 6)	192.3	204.5	12.2	6.3
June 2014 (Month 12)	198.5	179.8	-18.7	-9.4
December 2015 (Month 18)	204.9	166.6	-38.3	-18.7

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

NOTES: This measure uses the 95 percent trimmed mean, which is calculated by trimming the longest 5 percent of the observations and taking the mean of the remaining 95 percent. This adjustment reduces the influence of excessively long resolution times and avoids issues that could arise because some cases with long resolution times were still open when the data were extracted. *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

CASES TOOK LONGER TO RESOLVE IN THE FIRST FEW MONTHS AFTER THE PSA POLICY CHANGES. HOWEVER, CASES BEGAN RESOLVING MORE QUICKLY AMONG CASES INITIATED LATER ON. THESE CHANGES REPRESENT A SMALL DEVIATION FROM THE PRE-POLICY TREND THAT MAY BE ASSOCIATED WITH THE PSA POLICY CHANGES.

with the amount of time predicted by the pre-policy trend (192 days predicted compared with 204 days observed). However, in later months a noteworthy shift in the other direction occurred, and about a year after the PSA policies were implemented, cases began to be resolved more quickly than predicted. Among cases initiated in December 2015, it took 38 fewer days to resolve the average case than predicted.

One hypothesis is that at least initially, both prosecutors and defendants behaved differently because defendants were less likely to be detained. For example, if defendants had less incentive to plead guilty quickly, cases that were previously resolved quickly through guilty pleas may have taken longer to reach disposition. Later on, prosecutors may have reacted and adjusted the way they processed cases to keep their caseloads from continuing to grow as a result of longer case-processing times.

But there is a good deal of uncertainty in these findings for reasons related to the data and the methods used. The case-resolution data are subject to updates by the court's staff (especially among cases initiated later in the follow-up period), and the statistical analysis predicting outcomes based on the pre-policy trend is less precise as one gets further from the time of the policy change.

EFFECTS ON APPEARANCES IN COURT AND NEW CRIMINAL CHARGES

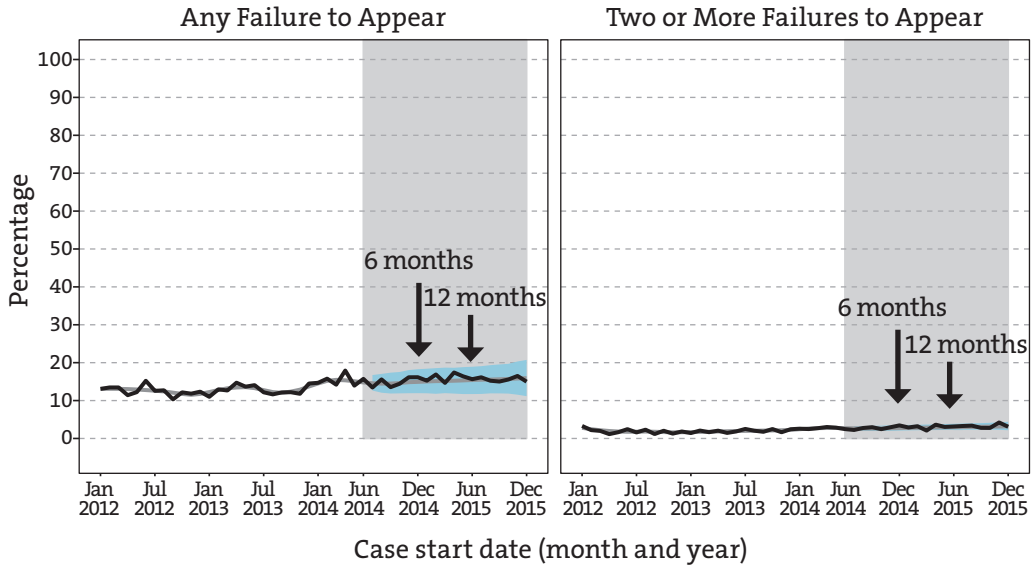
As a result of the PSA policy changes, fewer defendants were detained awaiting court action. One concern among judicial stakeholders is if more defendants are released without financial conditions, then more of them could miss court appearances or could jeopardize public safety by committing new crimes while awaiting trial. This section examines whether the PSA policy changes affected the rates of these pretrial "failures."

- **How did the PSA policy changes affect the percentage of defendants who appeared in court?**

Figure 11 presents the percentages of defendants who failed to appear for court dates on their cases over the study time period. More than 80 percent of defendants arrested before and after the policy changes made all of their court appearances (that is, they had zero failures to appear). The percentage of defendants who missed any court dates remained relatively stable throughout much of the post-policy period, averaging between 17 percent and 19 percent.

Missing one court date is viewed as a less serious offense because it can occur for any number of reasons (forgetting, a lack of transportation, etc.). It does not necessarily signal that a person is failing to show up on purpose or habitually. Therefore, the analysis also examines the effects on missing more than

FIGURE 11 Failure to Appear for a Court Hearing



December 2014 (Month 6) Cases

Outcome (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Any failure to appear	18.5	19.2	0.7	3.8
Two or more failures to appear	3.9	4.0	0.1	2.6

SOURCES: The analysis is based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

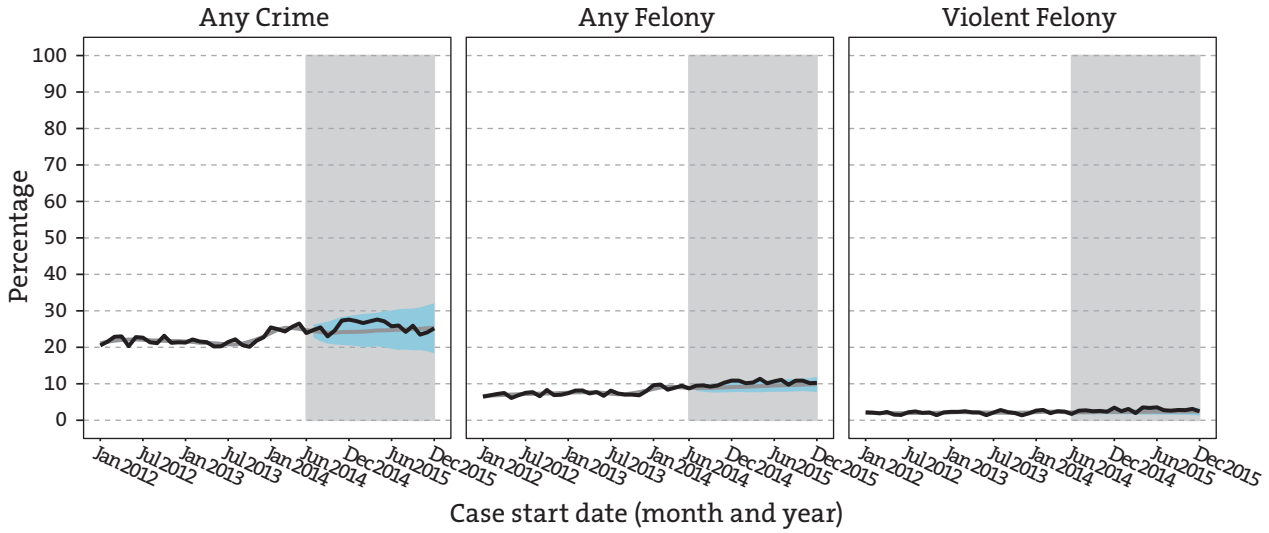
NOTES: *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

THE PSA POLICY CHANGES HAD LITTLE APPARENT EFFECT ON COURT APPEARANCE RATES, EVEN THOUGH MONEY BAIL WAS USED LESS AND FEWER DEFENDANTS WERE DETAINED.

one court date. Fewer than 4 percent of defendants missed two or more court appearances during much of the study time period.

For both of these measures (failing to appear at least once and failing to appear more than once), the observed percentages of defendants who failed to appear are similar to the percentages predicted using the pre-policy trends. This finding is important because it shows that while the PSA policy changes did increase the number of people who were released, they did not have an effect on the number who showed up for their court appearances.

FIGURE 12 New Criminal Activity Among Defendants Waiting for Their Cases to Be Resolved



December 2014 (Month 6) Cases

Outcome (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Any crime	25.3	27.7	2.4	9.5
Any felony	9.2	10.9	1.7	18.5
Violent felony	2.4	2.9	0.5	20.9

SOURCE: The analysis is based on data from the North Carolina Automated Criminal/Infractions System.

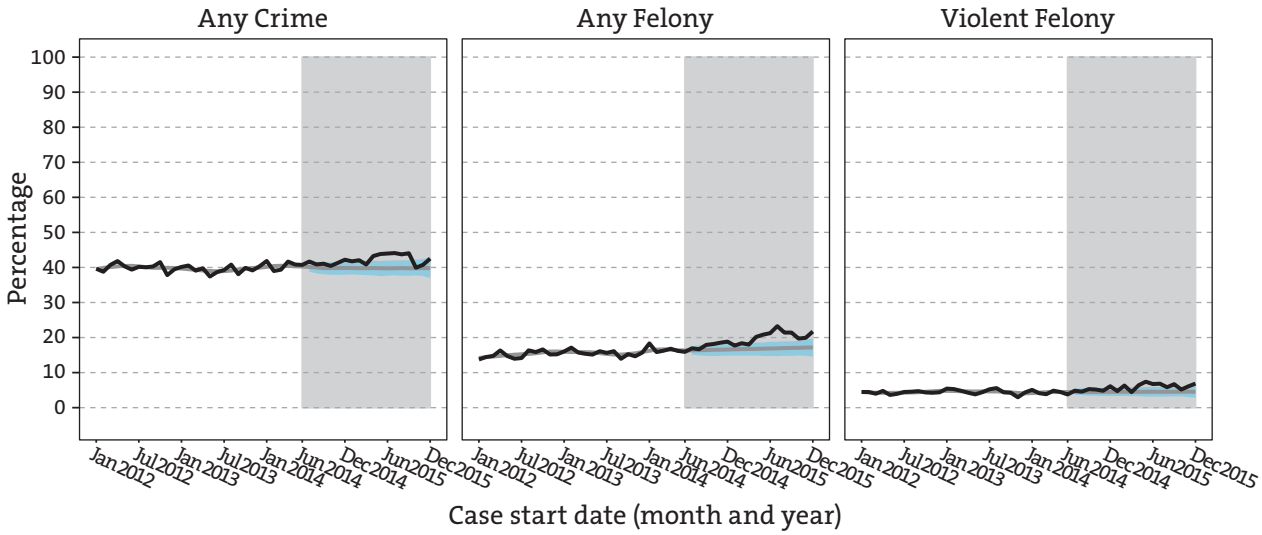
NOTES: These measures indicate whether a defendant waiting for a case to be resolved had a new criminal case opened for at least one offense punishable by jail time, whether the defendant was taken into custody or not. This measure is slightly different from the one used for the main analysis sample population, which is limited to cases initiated through custodial arrests. *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

THE PSA POLICY CHANGES HAD NO DETECTABLE EFFECT ON NEW CRIMINAL ACTIVITY WHILE DEFENDANTS WERE WAITING FOR THEIR CASES TO BE RESOLVED.

- **How did the PSA policy changes affect new criminal charges?**

Figures 12 and 13 show the percentages of defendants in the sample who incurred new criminal charges while waiting for their cases to be resolved. The analysis focuses only on those cases that were resolved within 18 months of the initial arrest (which captures 95 percent of all cases). "New criminal charges" means charges for any type of jailable offense. Felonies and violent offenses are of the most concern to stakeholders, so the analysis also examines effects on new charges for felonies and violent felonies separately.

FIGURE 13 New Offenses Within One Year After the Initial Arrest Date



December 2014 (Month 6) Cases

Outcome (%)	Predicted Outcome	Observed Outcome	Difference	Percentage Change
Any crime	39.8	41.9	2.1	5.3
Any felony	16.6	18.5	1.9	11.5
Violent felony	4.5	5.3	0.9	20

SOURCE: The analysis is based on data from the North Carolina Automated Criminal/Infractions System.

NOTES: *Difference* is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value.

RATES OF NEW OFFENSES WITHIN ONE YEAR WERE HIGHER THAN PREDICTED AMONG DEFENDANTS WHOSE CASES WERE INITIATED AFTER THE PSA POLICY CHANGES. THIS INCREASE ABOVE THE PREDICTED TREND WAS PRIMARILY DUE TO CHARGES FOR NEW FELONIES.

Figure 12 shows the percentages of cases where new charges for offenses punishable by jail time were brought against defendants while they were waiting for their cases to be resolved. There was no effect on any type of new criminal charges. There is some fluctuation from month to month, but the percentages are relatively stable throughout the study period. Among defendants with cases initiated in December 2014, the prediction based on the pre-policy period is that 25 percent would be charged with new crimes, and the actual rate was 27 percent. The difference of 2 percentage points is somewhat higher than what was predicted.

Other factors could be influencing these results, however. For example, the PSA policy changes could have affected the opportunities defendants had to

commit new crimes not only because they appear to have made it more likely for them to be released but also because they appear to have changed the number of days it took for their cases to be resolved. As noted above, the PSA policy changes increased the number of days it took for cases to be resolved initially, and then later appear to have decreased that number.

Figure 13 therefore shows an alternative measure of new criminal activity: the proportion of cases where defendants incurred new criminal charges within one year of the initial arrest date. This measure, with its fixed one-year window, mitigates the concern that changes in the number of days it took to resolve cases could be influencing the number of new charges observed while defendants waited for their cases to be resolved. It is important to note that this fixed one-year window includes both times when defendants were awaiting resolution and times after their cases were resolved. This measure is referred to as "recidivism" for the purposes of this analysis.[29]

Figure 13 shows that the predicted rate for recidivism within one year among defendants first arrested in December 2014 was 40 percent. The observed recidivism rate for that cohort was 42 percent, an increase of 2 percentage points above the predicted rate. The recidivism rate increased above the predicted trend somewhat more with later cohorts. The effect was mainly for new felony charges.

The estimated effect on recidivism is small, and though it may have been caused by the PSA policy changes, it also may have been caused by changes in the types of cases and defendants entering the courts. The next section examines case and defendant characteristics during the study time period.

CASE CHARACTERISTICS AND ARREST PATTERNS

If over time the types of cases entering the courts became more serious or involved higher-risk defendants, then the post-policy period could have seen a higher rate of recidivism than predicted because those kinds of defendants are more likely to be charged with new crimes in general. To explore which possible influence — the PSA policy changes or changes in the types of defendants entering the court system — was responsible for the effect, this section discusses patterns in the characteristics of defendants and cases during the study period.

29 For defendants awaiting trial, the term "recidivism" to describe new arrests is not technically accurate. Nevertheless, it is used here for ease of presentation.

- **Did the kinds of cases or defendants change during the study period?**

Table 1 shows the demographic characteristics of the defendants in the sample during the pre-policy and post-policy periods. There were few notable changes in the ages and races of defendants. As shown in the table, in the post-policy period, defendants were slightly more likely to be assessed as being at high risk of failing to appear for court dates or of committing new crimes, and they were slightly more likely to have been arrested multiple times in the previous year. Although there were no large systematic changes in defendants' assessed levels of risk on average, those levels did fluctuate from month to month (not shown). In months when there were a greater proportion of high-risk defendants and felony cases in the courts, the rates of bail setting, new criminal charges, and failures to appear in court may also have been greater for that reason, and not for reasons having to do with the PSA policy changes.

The graphs in Figure 14 show the total numbers and percentages of custodial arrests over the study time period for felonies, misdemeanors, and traffic offenses. The left panel shows the number of arrests for each type of charge and the right panel shows the percentage for each. There appears to have been a decline in the total number of arrests during the pre-policy period that occurred entirely among arrests for misdemeanor charges. As shown in the left panel, the number of arrests for felonies was relatively stable, ranging between 500 and 600 per month during the pre- and post-policy periods. However, the number of misdemeanor arrests declined dramatically from 1,400 in January 2012 to about 800 in June of 2015.

As shown in the right panel of Figure 14, while the number of felony arrests was stable, because the number of misdemeanors declined, a larger proportion of cases in the court system had felony charges during the post-policy period than the pre-policy period. Thus, the proportion of defendants with felony charges changed after the PSA policy was implemented, meaning the defendants in the sample were charged with somewhat more serious crimes, on average, after the PSA policy changes.

These figures only include custodial arrests and do not reflect all cases. A separate analysis conducted of all cases (including summonses and citations) shows no significant changes during the same period. This analysis therefore shows that the decline in misdemeanors was not caused by police adjusting charges downward from misdemeanors to citations. The jurisdiction cannot

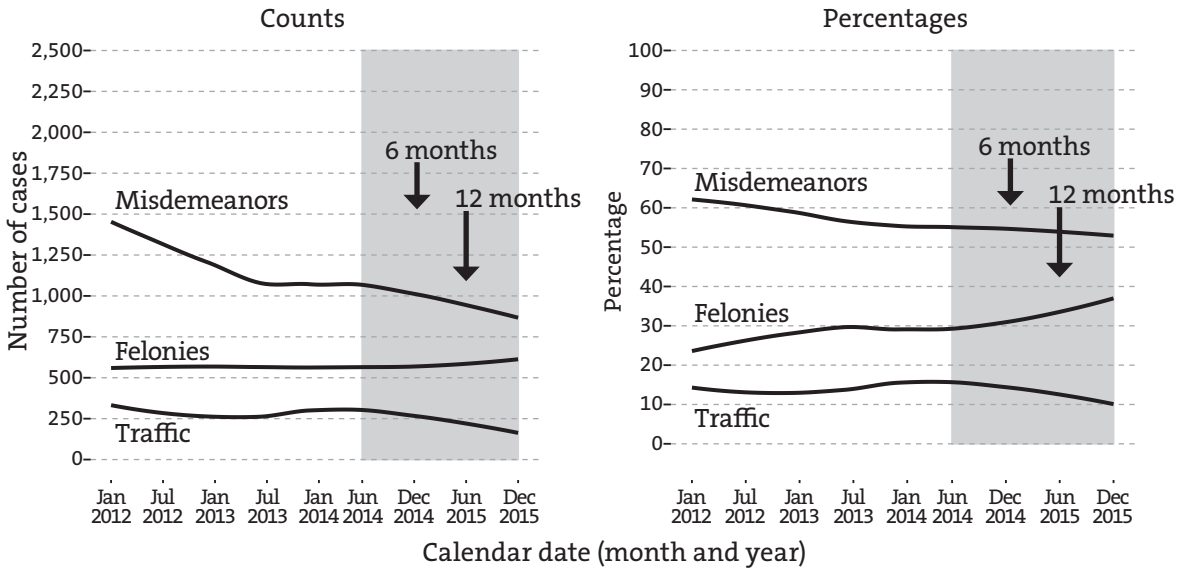
TABLE 1 Defendant and Case Characteristics

Characteristic (%)	Pre-Policy Average	Post-Policy Average
Highest charge class on the case		
Felony	29.5	31.7
Misdemeanor	55.1	54.6
Traffic	15.4	13.7
Defendant's assessed risk		
High	14.1	15.1
Moderate	43.6	44.1
Low	42.3	40.9
Defendant age		
Younger than 23	27.5	27.2
23 or older	72.5	72.8
Defendant race		
Black	68.4	68.3
White	25.8	26
Hispanic	4.6	4.3
Other	1.3	1.3
Defendant gender		
Male	78.2	78.4
Female	21.8	21.6
Number of arrests in the past two years		
None	42.3	40.9
1	21.1	20.4
2-3	20.5	20.8
4+	16.1	17.9

SOURCES: Values are based on data from the North Carolina Automated Criminal/Infractions System and the Mecklenburg County Sheriff's Office.

DEFENDANT AND CASE CHARACTERISTICS WERE RELATIVELY STABLE THROUGHOUT THE STUDY PERIOD. ON AVERAGE, IN THE POST-POLICY PERIOD DEFENDANTS WERE ASSESSED AS BEING AT SLIGHTLY HIGHER RISK OF FAILING TO APPEAR FOR COURT DATES OR COMMITTING NEW CRIMES, AND THE PROPORTION OF FELONY CASES IN THE COURTS WAS SLIGHTLY HIGHER.

FIGURE 14: Charge Class of Cases Entering Courts During the Study Period



SOURCE: The analysis is based on data from the North Carolina Automated Criminal/Infractions System.

NOTES: These measures are based on the class of the most serious charge for each case.

THERE WAS A MODEST AND STEADY DECLINE IN THE NUMBER OF MISDEMEANOR CHARGES FILED DURING THE POST-POLICY PERIOD. THIS SHIFT LED TO FELONY CHARGES MAKING UP A GREATER PROPORTION OF CASES IN THE COURTS DURING THE POST-POLICY PERIOD.

identify a statute or policy change regarding misdemeanors that occurred during this time. It is unclear what caused the change in arrest patterns.

Most felony charges were for property crimes (slightly over 200 arrests per month, not shown). Drug offenses and violent crimes averaged about 150 arrests per month each. Although the specific charge types were mostly stable, there was a small increase in the number of charges for property crimes and violent crimes starting around a year after the PSA policy changes (not shown).

These findings point to a system that was already changing before the PSA policies were implemented. Police arrested fewer people in the post-policy period, and the defendants who were arrested were a bit more likely to be assessed as being at higher risk of failing to appear for court dates or committing new crimes. These changes make it more difficult to be certain that

the predictions generated based on trends observed in the pre-policy period prediction are reliable. The evolution of the system also makes it difficult to know whether the PSA policies had an effect on recidivism, as that apparent effect could simply be the result of having more serious cases in the system.

SUMMARY OF FINDINGS

This report presents an assessment of the effects of the PSA-related policy changes in Mecklenburg County that occurred in June 2014. The accompanying second report in this series will examine the role of risk assessment in decision making and the PSA policy changes' effects on racial disparities in case and crime outcomes. It will also assess how the effects varied among important subgroups of the pretrial population.

Mecklenburg County's switch to the PSA was part of an overall cultural and procedural shift that changed the way that cases were processed. The jurisdiction expected that more low- and moderate-risk defendants would be released before trial without financial conditions, in part because decision makers were reminded of the existing policies and in part because they were provided with more information — in the form of the PSA — to assess defendants' risks of committing new crimes or failing to appear in court.

The analysis shows that the PSA policy changes produced a reduction in the use of money bail and an increase in defendants being released on their own recognizance. There was a corresponding reduction in the proportion of defendants admitted to jail awaiting court action. The PSA policy changes also reduced the number of guilty pleas and convictions and may have increased the number of cases dismissed.

In addition, during the first six months the PSA policies led to an increase in the time it took to resolve cases, as might be expected with fewer defendants detained. Being free to fight their cases may have given defendants less incentive to plead guilty quickly in order to be released from jail. However, there was a subsequent, opposing shift in case-processing time among cases initiated about a year after the PSA policies were adopted. Cases began resolving more quickly than predicted based on the pre-policy-period trend. There was also a sustained and even larger effect on the rate of case dismissals among cases initiated later in the post-policy period. One hypothesis is that prosecutors found it was taking more time to resolve cases and adjusted how they pro-

cessed cases in response to their growing caseloads. But there is much uncertainty about the data and the prediction model later in the follow-up period.

The results of this evaluation show that Mecklenburg County achieved its goals.

It is important to note that even though more defendants were released and fewer were convicted on their initial charges, the PSA policy changes had at most a small effect on the number who were charged with new crimes while waiting for their cases to be resolved. The rate of recidivism in a one-year fixed window after arrest was also somewhat higher than expected based on pre-policy-period trends. This analysis cannot isolate whether the small increase in recidivism can be attributed to the PSA policy changes because the defendants in the courts in the post-policy period were charged with more serious crimes, on average, than those in the courts in the pre-policy period. Defendants who were charged with more serious crimes were also assessed as being at higher risk of committing new crimes, which means they could be expected to have higher rates of recidivism.

POLICY IMPLICATIONS

When Mecklenburg County switched from the VPRAI to the PSA, the change was not made in isolation. A broad cultural shift was occurring in the jurisdiction that included training for court staff members and revisions to pretrial case-processing policies and practices. These other changes could have worked in concert with or at cross-purposes to the goals of the PSA. This study attempts to disentangle the influences of various shifts in practices in Mecklenburg County by examining effects at different stages in the pretrial process. Specifically, the study seeks to isolate how much the PSA tool contributed to the overall effects and how other factors may have influenced the outcomes. The results from this study can inform other jurisdictions as they consider ways to make their pretrial justice systems fairer and more effective.

Policymakers recognize that pretrial reforms involve a trade-off: Releasing more people could lead to more new crime. But more careful decisions regarding which defendants can safely be released could also *reduce* rates of new crime. The results of this evaluation show that Mecklenburg County achieved its goals. The jurisdiction substantially reduced its use of money bail and detained fewer defendants, without sacrificing public safety or court appearance rates.

While these are promising achievements, there is still room for improvement and the jurisdiction will need to maintain its efforts to sustain the desired

outcomes. (For example, there appeared to be some reversal of the early improvements among cases initiated later in the study period.) Although the PSA policy changes significantly reduced pretrial detention, the rate of initial detention was still quite high — ranging from 60 percent to over 70 percent of defendants in each month.[30] Most of these defendants were detained initially because they could not post the money bail set by magistrates, and most of them ended up being released within days by other judicial decision makers (three days was the average length of initial detention).

Most defendants taken into custody ultimately had their cases dismissed by judges or prosecutors — as many as 60 percent of cases — and many of those defendants had spent time in jail before trial. Cases are typically dismissed when there is a lack of probable cause or insufficient evidence for prosecution. Mecklenburg County may want to consider whether the resources invested in cases that ultimately end in dismissal could be used more efficiently.

The analyses clearly show that the PSA policy changes led to a steep and abrupt drop in *initial* jail bookings. In other words, more defendants were released before having a first appearance hearing, the first point in the case process when the PSA report was available. Because a good deal of the observed effect on bail setting and initial detention occurred at a stage in the process before the PSA report was generated, it is nearly certain that factors other than the *use* of the PSA report contributed greatly to the observed effects. Further support for this conclusion can be found in other aspects of this study: First, an analysis of domestic violence cases (whose defendants' charges require a first appearance hearing before a judge where a PSA report is available) found that the PSA had little effect. In addition, another analysis found that the PSA policies reduced the time detained only among defendants who would have been detained for just one or two days in the absence of the policies, according to a comparison with the pre-policy-period trend. This amount of time is just how long it would have taken for the defendants to have first appearance hearings, had they not been released.

These findings do not necessarily mean that the PSA had no role in the effects. It is unlikely that judicial decision makers would be willing to risk releasing large numbers of defendants without additional tools available to help them. Most jurisdictions seeking to reduce their reliance on money bail will need to provide their judges with more information about which defendants can safe-

30 Of those defendants initially booked into jail, about 70 percent had been assigned money bail and were not able to pay it.

ly be released with few (or no) conditions and which defendants pose a greater risk requiring more restrictive conditions. Mecklenburg County is unusual in that the jurisdiction was already using a validated risk tool.[31] So the fact that this new assessment of defendant risk appears to have had little effect on judicial decision making is not surprising. However, one should consider the findings from this study less applicable to other jurisdictions that are newly adding risk assessment tools to their pretrial processes.

A common alternative to bail often used in pretrial reforms — supervision — is also part of Mecklenburg County's pretrial system. This study illustrates that pretrial supervision was used in only a small proportion of cases. Even this fact provides valuable insight. Broadly, it shows that it is possible to release more defendants with no conditions whatsoever and still achieve the desired effect of maintaining court appearance rates and public safety.

Since Mecklenburg County's goal was to move toward a risk-based pretrial system using the PSA, the supplemental, second report in this series investigates what types of defendants the jurisdiction released. If the jurisdiction was applying the principles of risk-based decision making (the goal of the PSA), one would expect that implementing the PSA led decision makers to impose release conditions on defendants that were better aligned with their assessed levels of risk. Specifically, most of the increase observed in the pretrial release rate should be among low- and moderate-risk defendants. The supplemental report also further investigates the role of risk-based decision making in the observed effects. Finally, the supplemental report assesses the effects of the PSA policy changes on racial disparities in case and crime outcomes and examines the effects among subgroups of defendants defined by their races and ages and by the types of charges they faced.

31 Luminosity, Inc. (2017).

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