



Pretrial Services Agency for the District of Columbia Key Data and Operational Information February 2024

The Pretrial Services Agency for the District of Columbia (PSA) is a federal agency created by an act of Congress (the District of Columbia Bail Agency Act) in 1967.¹ Under the National Capital Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act), PSA was established as an independent entity within the Court Services and Offender Supervision Agency (CSOSA) in the Executive Branch of the Federal Government.²

The mission of PSA is to promote pretrial justice and enhance community safety. In fulfilling this mission, PSA assists judicial officers in both the Superior Court of the District of Columbia (DCSC) and the United States District Court for the District of Columbia (USDC) by conducting a risk assessment for every arrested person who will be presented in court, identifying detention eligibility and formulating release recommendations for judges to consider, as appropriate, based on legal requirements governing release³ informed by the arrestee's demographic information, criminal history, and substance use and/or mental health information.

PSA was among the first pretrial agencies to use a risk assessment instrument⁴ (RAI) and has used some form of risk assessment since its inception. Throughout this time, the Agency has leveraged developments in science and best practices to refine and improve its protocols and instruments. PSA's RAI was designed exclusively for the District of Columbia using a data set consisting of defendants assigned to pretrial supervision in the District of Columbia. The RAI predicts each person's risk of failure to appear and rearrest by evaluating 43 factors from five domains: criminal history, current charge, criminal justice system status, drug test results and defendant social/demographic attributes. The RAI produces numeric scores that correlate to each defendant's likelihood of court appearance and likelihood of remaining arrest-free during the pretrial release period. The numeric scores then are translated to risk levels by PSA. These levels are used to develop recommended release conditions.

The District of Columbia (DC or District) operates a bail system that promotes clear and reasoned decisions about release or detention. The foundation of this system is the DC bail statute, which emphasizes the use of least restrictive release conditions for eligible defendants, provides an option of preventive detention for those who pose an unacceptable risk to the community, and limits the use of money-based detention. PSA employs evidence-based practices to help judges make appropriate and effective bail decisions. PSA provides supervision and treatment services intended to *reasonably*

¹ [Subchapter I. District of Columbia Bail Agency \[Pretrial Services Agency\]. | D.C. Law Library \(dccouncil.gov\).](#)

² [H.R.1963 - 105th Congress \(1997-1998\): National Capital Revitalization and Self-Government Improvement Act of 1997 | Congress.gov | Library of Congress.](#) As an independent federal entity under the Executive Branch, PSA is a separate agency from the Court Services and Offender Supervision Agency (CSOSA), led by its own Director, with no reporting relationship to CSOSA's Director.

³ [Subchapter II. Release and Pretrial Detention. | D.C. Law Library \(dccouncil.gov\)](#)

⁴ To be fair and effective, RAIs must be tested regularly to ensure they produce valid results for the population being served and are unbiased with respect to race, gender, or other factors. PSA's RAI was most recently validated in 2018 and a revalidation will be completed in FY 2024.

assure, in accordance with DC Code § 23-1321, that defendants return to court and do not engage in criminal activity pending their trial and/or sentencing. PSA’s efforts focus on creating an information-based and data-driven organization that meets the needs of the judges, protects the rights of defendants, and remains cognizant of the Agency’s responsibility to the DC community. The result is enhanced public safety, a fairer and more effective system of release and detention, and judicious use of jail resources.

PSA shares the system-wide concerns regarding unacceptable trends related to violent crime in the District and provides the information and data below to help inform strategic planning, legislative proposals, and other operational decision making.

Trends in Release and Rearrest Rates

Historically, approximately 90% of all defendants awaiting trial in the District of Columbia have been released to the community, either on personal recognizance or personal recognizance with conditions, the latter of which is more commonly referred to as “PSA supervision.” Over the last five fiscal years, the DCSC release rate has trended downward from 94% during FY 2019 to 87% during FY 2023. During this same five-year period, an average of 90% of defendants have remained arrest-free while awaiting trial in the community. Approximately 68% of those rearrested were rearrested for a misdemeanor and only 1% percent of defendants released to the community pending trial were rearrested for a violent crime. In FY 2023, a total of 14,561 defendants were released to the community while awaiting trial and 92% of them remained arrest-free rate.

Similar to the decline in the overall release rate, the release rate for defendants charged with violent crimes has trended downward during the last five fiscal years. During FY 2019, approximately 50% of defendants charged with violent crimes were released to the community, as compared to FY 2023, when approximately 36% were released. During FY 2023, the period covering October 1, 2022 – July 20, 2023, 37% of defendants charged with violent crimes were released pretrial into the community. From the enactment of the District’s “Prioritizing Public Safety Emergency Act” on July 20, 2023 to the end of FY 2023, this number decreased to 29%. For the same time period, the arrest-free rate remained stable.

Rearrest Rates for Defendants Charged with Violent Crimes

Recent legislative changes have been aimed at reducing incidents in which a defendant awaiting trial on a violent charge is rearrested on a subsequent violent charge. For context, during the five fiscal years under the prior legislative standard, approximately 2% of defendants awaiting trial in the community for a charge statutorily defined as a “crime of violence” were rearrested and charged with a subsequent crime of violence. In FY 2023, a total 897 of the 14,561 defendants released to the community while awaiting trial were charged with a crime of violence. Of those 897 defendants, 1.2% were rearrested for a crime of violence.

Performance Indicators

PSA uses four key performance indicators (KPI) to monitor organizational effectiveness: judicial concurrence, continued pretrial release, arrest-free rate, and court appearance rate. Over the last five fiscal years, average outcomes for all KPIs were:

KPI	Average Outcome (FY19 – FY23)
<u>Judicial Concurrence Rate</u> Percentage of cases in which initial release orders match PSA recommendations.	77%
<u>Continued Pretrial Release Rate</u> Percentage of defendants who remain on release at the conclusion of the supervision period without a pending request for removal or revocation due to non-compliance.	87%
<u>Arrest-Free Rate</u> Percentage of defendants who remain arrest-free during the pretrial period.	90%
<u>Appearance Rate</u> Percentage of cases where defendants awaiting trial in the community make all scheduled court appearances during the fiscal year.	89%

These outcomes notwithstanding, PSA continues to leverage data and science to evaluate and improve its performance. Current examples of this include our sentinel event review process and risk assessment revalidation.

PSA rigorously reviews all “sentinel events,” which are defined as any events involving a defendant under supervision who is subsequently charged for a new crime involving a firearm and resulting in significant bodily injury and/or loss of life. The goal of sentinel event reviews is to examine our processes and practices to determine whether there are gaps in policy, training, or resources that may have impacted the outcome. PSA also uses the reviews as an opportunity to identify trends and themes amongst the defendant population to ensure that our system is designed to be responsive to not only their risks, but also their needs.

In addition to this, we are currently preparing for the second independent revalidation of our risk assessment instrument. Our instrument, which was designed exclusively for the District of Columbia adult pretrial population, predicts each defendant’s risks of failure to appear in court and rearrest. For the 2024 revalidation process, we have asked the independent contractor to conduct specialized analyses to help us better predict the risk of (1) pretrial non-compliance for individuals charged with firearms offenses, and (2) more accurately predict the risk of rearrest on homicide offenses during the pretrial period. Results of this study will be used to refine our risk assessment instrument and better inform release condition recommendations and supervision strategies.

PSA continues to foster strong collaborations across the District’s criminal justice system and provide information and data to support the common goal of making the Nation’s Capital a safe place for people to live, visit, and work.